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ABSTRACT

This report describes a 1998 consultation conducted to examine the impact of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on legal immigrants and refugees in Rhode Island. The Personal Responsibility and Work Opportunity Act restricted access of documented immigrants to a wide range of government programs such as food stamps, supplemental security income, medicaid, medicare, assisted housing, and educational grants. The consultation examined how implementation of the Welfare Reform Act had adversely affected legal immigrants and refugees; determined whether and how Rhode Island state policies and/or private agencies planned to ameliorate adverse conditions resulting from implementation of these statutes; and examined current efforts by the state congressional delegation to ameliorate adverse conditions. The Rhode Island Advisory Committee to the Commission on Civil Rights heard from three panels, which included civil rights and immigrant rights advocates and service providers; federal, state, and local government agency providers and policymakers; and Rhode Island congressional delegation staff. Overall, eight areas of concern surfaced: lack of a state safety net; lack of interpreters and notices in native languages at state and federal agencies; states pressing for recovery of public benefits from immigrants; insufficient programs and instructors to teach immigrants English; potential increases in dropout rates among immigrant children; inflexibility of the 5-year ban for elderly and disabled immigrants; children's health policies; and delays in citizenship processing. Edited transcripts of the consultation are included. (SM)

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The Personal Responsibility and Work Opportunity Reconciliation Act of 1996:

An Examination of Its Impact on Legal Immigrants and Refugees in Rhode Island

Rhode Island Advisory Committee to
the United States Commission on Civil Rights

June 2000

This report of the Rhode Island Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in this report should not be attributed to the Commission, but only to participants at the briefing, other individuals or documents cited, or the Advisory Committee.

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The Personal Responsibility and Work Opportunity Reconciliation Act of 1996:

An Examination of Its Impact on
Legal Immigrants and Refugees
in Rhode Island

Letter of Transmittal

Rhode Island Advisory Committee to
the U.S. Commission on Civil Rights

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Ruby G. Moy, *Staff Director*

The Rhode Island Advisory Committee submits this Statement of Concerns on the impact of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on legal immigrants and refugees in Rhode Island. This report is based on a consultation conducted in Providence on February 9, 1998. In order to disseminate the information gathered in a timely fashion we are providing a summary of the concerns expressed at the consultation along with an edited transcript of the proceedings.

The consultation was designed to serve three purposes:

1. To determine the nature and the extent to which the implementation of the Welfare Reform Act has had adverse effects on legal immigrants and refugees in the State.
2. To determine if and how Rhode Island State policies and/or private agencies plan to ameliorate adverse conditions that may result from the implementation of these statutes.
3. To learn the current efforts from the Rhode Island congressional delegation to ameliorate such adverse conditions that may result from these Federal regulations.

The Committee heard from three panels, consisting of (1) civil rights and immigrant rights advocates and service providers; (2) Federal, State, and local government agency providers and policymakers; and (3) staff of the Rhode Island congressional delegation. Persons who provided information were given an opportunity to review relevant sections of the report and, where appropriate, their comments and corrections were incorporated. The Advisory Committee unanimously approved the report by a vote of 11 to 0.

Among the conclusions resulting from the consultation, the Advisory Committee noted eight areas of concern: (1) lack of a State safety net; (2) lack of interpreters and notices in native languages at State and Federal agencies; (3) States pressing for recovery of public benefits from immigrants; (4) insufficient programs and instructors to teach immigrants

English; (5) a potential increase in the dropout rate of immigrant children; (6) inflexibility of the 5-year ban for elderly and disabled immigrants; (7) children's health policies; and (8) delays in citizenship processing.

The Advisory Committee hopes the Commission will find this report of value in its monitoring of welfare reform issues nationwide.

Sincerely,

Olga M. Noguera, *Chairperson*
Rhode Island Advisory Committee

Rhode Island Advisory Committee to the U.S. Commission on Civil Rights

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The Rhode Island Advisory Committee wishes to thank the staff of the Commission's Eastern Regional Office. The planning and holding of the consultation, report writing, and followup research were conducted by Fernando A. Serpa, Esq., with essential support services provided by Linda Raufu. Ki-Taek Chun, director of the Eastern Regional Office, provided editorial assistance during all report writing stages, as well as overall supervision of the project. Dawn Sweet provided editorial assistance and prepared the report for publication.

The Committee gratefully acknowledges the contribution of Robert Lee and David Sholes who provided a leadership role in developing the project proposal and invaluable assistance in the first draft of the report.

The Committee wishes to dedicate this report to the memory of Dorothy Zimmering who was a vital and active member of the Committee for more than two decades. Her energy and knowledge of civil rights issues guided the Committee through several important projects and reports. Those on the Committee who worked with her can attest to the enthusiasm she brought to every meeting and her dedication to promoting civil rights to the people of Rhode Island.

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I. Statement of Concerns

The Personal Responsibility and Work Opportunity Reconciliation Act of August 22, 1996[1] (the Welfare Reform Act) changed the way our government views immigrants and refugees residing in our country. This change, the Rhode Island Advisory Committee believes, has been dramatic and substantial, not only altering the current welfare system but also restricting access of documented immigrants to a wide range of government programs such as food stamps, supplemental security income, medicaid, medicare, assisted housing, and educational grants.[2] The Welfare Reform Act also required the Immigration and Naturalization Service (INS) to establish a verification system to determine the eligibility of immigrants for most Federal public benefits.[3]

To gather information on the adverse impact of the Welfare Reform Act on legal immigrants and refugees in Rhode Island, the Committee conducted a consultation on February 9, 1998, in Providence. This consultation was designed to:

1. Help determine the nature and the extent to which the implementation of the Welfare Reform Act has had adverse effects on legal immigrants and refugees in the State.
2. Help determine if and how Rhode Island State policies and/or private agencies plan to ameliorate adverse conditions that may result from the implementation of these statutes.
3. Learn the current efforts from the Rhode Island congressional delegation to ameliorate such adverse conditions that may result from these Federal regulations.

The consultation consisted of three panels: (1) civil rights and immigrant rights advocates and service providers; (2) Federal, State, and local government agency providers and policymakers; and (3) representatives of the Rhode Island congressional delegation.

Based on the information gathered at the consultation and supplemented by limited followup research, this report provides a summary of the consultation in two parts. After a brief introduction on the Welfare Reform Act, the first part provides a summary of civil rights issues or areas of concern identified by the three panels at the consultation, while the second part presents an edited transcript of the proceedings.

The Welfare Reform Act

Under the Welfare Reform Act, most immigrants and refugees arriving to the United States on or after August 22, 1996, are barred from Federal means-tested benefit programs for 5 years, including food stamps[4] and supplemental security income (SSI).[5] The act also cuts off SSI benefits to alien refugees and those granted

[1] Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (codified as amended in scattered sections of 8 U.S.C. and 42 U.S.C.).

[2] *Id.*, §§ 401–404, 411A, 1105 Stat. 2105, 2261–2267 (1996) (codified as amended at 8 U.S.C. §§ 1611–1614, 42 U.S.C. §§ 6119, 1437y (Supp. III 1997)).

[3] *Id.*, §432, 110 Stat. 2105, 2274–2275 (1996) (codified as amended at 42 U.S.C. § 1642 (Supp. III 1997))

[4] 8 U.S.C. § 1613(A) (Supp. III 1997). This and other provisions of the act deny benefits to a category of immigrants designated as "qualified aliens," which includes legal permanent residents, asylees, refugees, those granted withholding of deportation, those paroled for at least 1 year, those granted conditional entry pursuant to a family-sponsored preference allocation in effect prior to Apr. 1, 1980, and Cuban and Haitian entrants. 8 U.S.C. § 1641(b)(1)–(7) (Supp. III 1997). Immigrants who are not "qualified," as defined by the statute, never became eligible for Federal and State benefits. The act has special provisions for certain immigrants, including refugees, asylees, and other legal noncitizens whose deportation is being withheld (often referred to as the "political status" exception), those who have worked 40 qualifying quarters ("qualifying quarters" exception), and for veterans, active-duty military personnel, and their spouses and dependents ("military" exception). 8 U.S.C. §§ 1612–1613 (Supp. III 1997).

[5] Supplemental security income (SSI), a provision of the Social Security Act of 1935, Title XVI, provides benefits to low-income people who are 65 years or older, blind, or disabled.

political asylum after 7 years from the date they were admitted to the United States.[6]

The immigrant provisions of the Welfare Reform Act raise serious legal concerns because they condition eligibility for government benefits on citizenship status. Since citizenship status is not a prerequisite for equal protection under the Civil Rights Act,[7] the act has the potential to discriminate against national origin, racial, and ethnic minorities, particularly Asians and Hispanics, who are the majority of the new immigrant population to the United States.

The premise of welfare reform, according to its proponents, is that people who are able to work should be encouraged to find employment so that they will not remain dependent on government assistance; nonetheless, blind, elderly, and disabled immigrants, who are the least likely to find sufficient employment to sustain themselves, are affected by this act.

Once an immigrant loses Federal benefits, State benefits generally become available. But after January 1, 1997, States can now choose to determine whether current immigrants are eligible for State-administered Federal benefits such as temporary assistance to needy families (TANF), medicaid, and other benefits. States now have the option to bar new immigrants and refugees access to State-funded programs.

In light of these losses and civil rights concerns, the U.S. Commission on Civil Rights issued a letter to President Clinton in which it stressed that the Welfare Reform Act specifically states that civil rights laws prohibiting discrimination in federally assisted programs apply to programs funded under the new legislation and that the Commission and its State Advisory Committees will closely monitor its implementation.[8]

The Welfare Reform Act's impact on legal immigrants and refugees residing in this country is far reaching. Although immigrants account for only about 5 percent of the population receiving welfare benefits, almost half of the $54.2 billion cuts in welfare benefits mandated by the act comes from eliminating Federal benefits for legal immigrants and refugees.[9] The Congressional Budget Office estimates that more than a million legal immigrants will lose access to food stamps, and tens of thousands of legal refugees will lose their SSI benefits in the next 5 years.[10] The impact of these losses in assistance could increase if States exercise their authority to deny benefits under TANF, medicaid, and other programs.[11]

Rhode Island is home to a large number of legal immigrants and refugees. In 1996, the last date of available data, approximately 4,114 elderly and disabled legal immigrants in Rhode Island received SSI benefits.[12] Also in 1996, approximately 8,250 legal immigrant Rhode Islanders living in approximately 5,200 families received food stamp assistance.[13] Benefit service providers estimated that by August 1998, approximately 6,400 legal immigrants in Rhode Island will have been removed from the Federal food stamp program, and thousands of elderly and disabled legal immigrants will not be eligible for the Federal SSI program.[14]

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[6] The Welfare Reform Act as enacted barred all legal noncitizen immigrants from receiving SSI benefits. An amendment to the act was enacted as part of the Balanced Budget Act of 1997 that restored SSI eligibility to those already receiving SSI as of the date of the act. The act had also stipulated that refugees would lose their SSI benefits within 5 years from entering the country. The amendment extended the number of years from 5 to 7 before cutting off SSI benefits. Balanced Budget Act of 1997, Pub. L. No. 105-33, § 5302(a), 111 Stat. 251, 598 (1997) (codified at 8 U.S.C §1612(a)(2) (Supp. III 1997).

[7] Section 601 of the Civil Rights Act of 1964 provides: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance." Pub. L. No. 88-352, tit. VI, § 601, 28 Stat. 241, 252 (1964) (codified at 42 U.S.C. § 2000D (1997)).

[8] The Commission expressed concern for the protection of civil rights and requested information regarding "the administration's program for ensuring the enforcement of these civil rights measures as TANF is implemented by the States," in a letter to the President dated Sept. 26, 1996. Mary Frances Berry to the President, Sept. 26, 1996, U.S. Commission on Civil Rights Library.

[9] *See* National Immigration Law Center, "Immigrant Provisions of the Welfare Bill," July 27, 1996, p. 1.

[10] Congressional Budget Office, *Federal Budgetary Implications of H.R. 3734, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (Washington, DC: Government Printing Office, Aug. 9, 1996), pp. 14–15.

[11] Ibid.

[12] Linda Katz, "Federal Bar on SSI and Food Stamps for Legal Immigrants Impact on Rhode Island," Rhode Island Health Center Association, May 1997, p. 3.

[13] Ibid.

[14] *Providence Journal*, May 1, 1997, p. B–4.

Panel 1: Immigrant Rights Advocates and Service Providers

In order to gain a better understanding of the legislation's impact, the Committee heard presentations from six immigrant rights advocates and service providers: (1) the Rhode Island Health Center Association, (2) Rhode Island Legal Services, (3) the Genesis Center, (4) Progresso Latino, (5) the International Institute, and (6) the Socio-economic Center for Southeast Asians. Representatives from these organizations stated that their main concerns were:

1. Lack of a State safety net once benefits are cut.
2. Lack of interpreters in State and Federal benefits offices.
3. States pressing for recovery of public benefits.
4. Insufficient programs and instructors to teach immigrants English.
5. Citizen children may be more likely to drop out of school to support their families.

The panelists provided the Committee with examples of these concerns and others during their presentations.

Concern 1: Lack of a safety net

As a result of the Welfare Reform Act's provisions, the Committee was concerned with the potential gaps in public services and loss of benefits to low-income legal immigrants and refugees. The Committee questioned whether a State safety net was in place to assist those who would lose their Federal benefits and what type of assistance, if any, they could expect.

Linda Katz, an attorney with the Rhode Island Health Center Association, a nonprofit organization providing social services to low-income individuals, provided answers to the Committee. She stated that because of the lack of State general assistance programs, legal immigrants over 65, who were in this country before August 22, 1997, but were ineligible to qualify for supplemental security income (SSI) on the basis of disability, are now faced with no means of support. The State of Rhode Island has no safety net to cover those immigrants who are ineligible for SSI benefits.[15]

Katz shared examples of where policies fail immigrants. Families arriving after August 22, 1996, are ineligible for the State's TANF program and are barred from food stamps for 5 years with no State-funded food stamp program available to them. And, if one of those individuals is in an accident and becomes disabled, he or she cannot get SSI benefits because of the 5-year ban. Katz believes that it is unfair to categorize immigrants by date of entry into this country, and immigrants who arrive after August 22, 1996, should have the same access to assistance as citizens.[16]

Concern 2: Lack of interpreters and notices in native languages at State and Federal agencies

The lack of interpreters and notices in native languages at the Rhode Island Department of Human Services and Federal Social Security offices was pointed out as a serious problem. In addition, allegedly inconsistent and potentially harmful administrative procedures were said to adversely affect immigrants and refugees seeking assistance.

This issue was raised by both Katz and Gretchen Bath, an attorney for Rhode Island Legal Services. "This is a real civil rights issue that needs to be addressed at these agencies," Bath said. "People at these agencies are telling immigrants that they are not eligible. They are sent away with oral denials, no applications are taken, and no hearings are advised or scheduled."[17] When given an informal oral denial, according to Bath, persons usually leave the office without filing an application and without the knowledge that they can appeal. She said that people are not aware what they can do to press their claim, "because that's an oral decision about eligibility, there's no notice that goes out, there's no appeal from that, there's no documentation, even. We get told many, many times from clients they were orally informed that they should not bother applying."[18]

Katz stated, "People should be able to come and ask their questions, and the DHS [Depart-

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[15] Linda Katz, testimony before the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights, community consultation, Providence, RI, Feb. 9, 1998. Edited Transcript (hereafter cited as *Edited Transcript*), p. 11. The full transcript of these proceedings is on file at the Commission's Eastern Regional Office.

[16] Ibid., and pp. 12–13.

[17] Bath Testimony, *Edited Transcript*, p. 14.

[18] Ibid.

ment of Human Services] worker there should understand what their goals are. There is a lot of confusion on the part of workers as well. Train the workers to understand what the law means and how they need to apply it."[19] She and Bath made four recommendations:

1. State and Federal agencies should develop a system to track requests for assistance and reasons for the denials of benefits.
2. State agencies should work together to formulate standard questions to obtain the right information from immigrant applicants.
3. The Rhode Island Department of Human Services should train the human service worker to understand the meaning, intent, and reach of the Welfare Reform Act in order to preclude a climate of hostility.
4. The number of interpreters should be increased at State and Federal agencies.[20]

Concern 3: States pressing for recovery of public benefits from immigrants

A trend is emerging nationwide for States to start pressing for the recovery of medical assistance or other public benefits from immigrants who leave the United States and then choose to reenter. The Committee is concerned that States are showing an increased interest in implementing the public charge provisions related to INS regulations.

Gretchen Bath gave an example where:

> A pregnant woman gets medical assistance benefits in the United States to which she is entitled. The State pays for the cost of the delivery and childbirth. The legal immigrant's husband, who is not eligible for benefits, leaves the country for whatever reason and then tries to return. When he tries to come back, the INS says, "No, you can't come back into the country until you repay us the medical assistance benefits that we paid for your wife."[21]

Bath believes that States provide information to the INS to track these immigrants.[22]

This concern was also raised by Patricia Martinez, director of Progresso Latino, a nonprofit, multiservice agency serving the Latino community, who stated that immigrants who apply at U.S. embassies will not get a visa until they have proved that the relative who has petitioned for them has paid the State for benefits provided to them under the public charge provision. Some of the benefits such as RIte Care[23] need not be reimbursed, but immigrants, according to Martinez, do not have the proper information and fear that they may face these financial obstacles.[24]

Concern 4: Insufficient programs and instructors to teach immigrants English

The command of English language skills is vital if immigrants are to move into the work force. Yet there seem to be insufficient programs and instructors to teach immigrants English.

According to Sister Marlene Laliberte, director of the Genesis Center, a school and support center for adult refugees and immigrants, 15 weeks (the common time limit in most welfare-to-work programs) to learn English and to do job training is insufficient. She claimed, "It is unreasonable to require an immigrant without English-speaking skills to move from welfare into the English-speaking work force in such a very short time."[25] She currently has 100 to 150 people who would like to learn English and move into the work force, but they cannot be accommodated because she does not have enough programs or instructors.[26] She believes that "we need more English as a second language programs and it should be available to anyone who needs it so that they can move on."[27]

Other panelists voiced similar concerns. Patricia Martinez recommended that additional adult language and employment classes be offered and that the educational period to teach English and to train the immigrant in reading and writing be expanded.[28]

William Shuey, director of the International Institute, an organization that assists immigrants with legal assistance and with English

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[19] Katz Testimony, *Edited Transcript*, p. 12.

[20] Katz and Bath Testimony, *Edited Transcript*, pp. 11–15.

[21] Bath Testimony, *Edited Transcript*, p. 13.

[22] Ibid., p. 14.

[23] RIte Care is a Rhode Island program that provides limited health care benefits to indigent and needy families.

[24] Martinez Testimony, *Edited Transcript*, pp. 17–18.

[25] Laliberte Testimony, *Edited Transcript*, pp. 15–16.

[26] Ibid.

[27] Ibid., p. 16.

[28] Martinez Testimony, *Edited Transcript*, p. 17.

classes, recommended that in addition to offering more English classes, there should be programs to teach cultural norms of the workplace. Realties of the workplace, according to Shuey, are different from the views of social workers, and the immigrant should become familiar with workplace norms and expectations.[29]

Joseph Lee, with the Socio-economic Center for Southeast Asians, an organization that provides social and legal services to the Southeast Asian immigrant community, also expressed concern over the acquisition of language skills and its impact on employment opportunities. According to Lee, "It is very difficult for Cambodians to learn English. They must learn a new alphabet and fight the post-traumatic syndrome of the Southeast Asian wars."[30] Between family obligations and work, newly arrived immigrants have little free time to learn English sufficiently to compete in the workplace.

They should be helped while they are trying to learn English and find a decent job, at least helped with medical assistance, Lee believes. He recalled the story of an elderly Cambodian woman who had to go back to Cambodia after living here almost a year because her children could not support her. The mother had medical needs and did not want to be a burden on the children, so she decided to move back to Cambodia. Lee concluded by saying, "[Immigrants] work, they pay taxes, and they should be entitled to help when they need it."[31]

Responding to the concerns of these panelists, representatives of the Rhode Island congressional delegation expressed their agreement with the need for increased funding for programs teaching English to immigrants. The delegation agreed to return to Washington with this concern and try to find funds to support more English classes for immigrants.[32]

Concern 5: A potential increase in the school dropout rate for immigrant children

One of the biggest concerns in the immigrant community is poverty, and welfare reform is forcing many families to be in even worse poverty situations than they were before, causing an unfortunate chain of events. As the parents lose benefits and are unable to work, it falls upon the children of these families to become the principal wage earners.

According to Patricia Martinez, many of them, 15- and 16-year-olds, try to continue to go to school and work at the same time, but eventually their grades suffer and they end up dropping out of school to support their families full time. She believes that "citizen children are being punished because their parents are not citizens,"[33] and as such the Welfare Reform Act violates the civil rights of protected classes such as the elderly, females, Latinos, and Southeast Asians.[34]

Panel 2: State and Federal Agencies

Representatives of State and Federal agencies that serve immigrants, the Rhode Island Department of Health Services and the U.S. Immigration and Naturalization Service (INS), made presentations, stating that their main concerns were:

1. The adverse effect on the low-income aged and disabled immigrant population.
2. Reluctance by legal immigrants to participate in State medical programs, especially childhood disease intervention programs.
3. An increase in citizenship applications and procedures with a limited INS staff.

The panelists provided the Committee with examples of these concerns and others during their presentations.

Concern 6: Inflexibility of the 5-year ban for elderly and disabled immigrants

The Welfare Reform Act provides that after August 22, 1996, those immigrants who were not already enrolled in a Federal means-tested benefits program are barred for 5 years from these programs, including food stamps and SSI. The 5-year ban on Federal benefits to immigrants is so inflexible, regardless of changes in circumstances, that it could seriously affect needy immigrants.

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[29] Shuey Testimony, *Edited Transcript*, p. 20.

[30] Lee Testimony, *Edited Transcript*, p. 21.

[31] Ibid., p. 22.

[32] Consuegra, Herrington, and Labonte Testimony, *Edited Transcript*, pp. 32–35.

[33] Martinez Testimony, *Edited Transcript*, p. 18.

[34] Ibid.

Susan Sweet of the Rhode Island Department of Human Services recommended eliminating the ban and amending the act to allow legal immigrants an opportunity to present evidence of a change in their circumstances in order to qualify for benefits without waiting the full 5 years.[35] Sweet stated, "You could have a situation where a person could lose their job, be burned out of their home, or through no fault of their own have a terrible illness. I think there should be flexible provisions to cover such circumstances."[36] The Welfare Reform Act singles out low-income aged and disabled legal immigrants who will lose their SSI benefits. She reported that the number of aged and disabled immigrants who fall into this category is currently about 500 or 600 in Rhode Island, but that figure will grow as more people turn 65 and become ineligible for SSI benefits.[37]

Concern 7: Children's health policies

Within immigrant communities, there is confusion as to which programs are being cut and also there is, according to some panelists, fear to come forward for medical assistance.

Dr. Peter Simon, assistant medical director of the Division of Family Health, Rhode Island Department of Health, sees most of the effect of welfare reform falling upon families with young children. "One of the immediate effects that we are going to see is that children are going to be requiring more and more State-funded components of their care, since their entitlements to Federal subsidies are lost due to legislation."[38] He explained the difficulty in finding accurate information by immigrants who are easily confused by the language barrier as well as the rising confusion of eligibility and access to services for those in the low-income population. He recommended additional training for the eligibility staff to assist immigrants who are seeking information and outreach efforts by the department to disseminate accurate information to the immigrant communities.

Reaching families with infants and young children for the department's programs is a daunting task, according to Simon. There is increasing resistance to participate in some of the public health programs by immigrant women and families: "They do not know what will happen if they participate. The perception in the immigrant community is that the records kept might be used against them by immigration officials, which is not true."[39] Simon concluded:

> I'm concerned that this disengagement or reluctance to participate in our programs may lead the community to evolve into various outbreaks of disease. Bacteria and viruses don't discriminate against people with legal status. They are equal opportunity agents. We see a potential threat if we don't continue to maintain high levels of participation in some of those communitywide programs to prevent or detect early diseases that have public health significance.[40]

Concern 8: Delays in citizenship processing

There is an accumulating backlog in citizenship processing by the Immigration and Naturalization Service (INS), and this processing delay adversely affects an immigrant's ability to receive Federal benefits.

June Tancredi, who is the acting officer in charge of the local INS regional office, reported that the number of people who have applied for naturalization has increased dramatically since the law went into effect. From fiscal year 1995 to fiscal year 1997, her office saw a 59 percent increase in applications. In 1995, 3,428 people applied for citizenship in Rhode Island while in 1997, 5,832 applied.[41] Currently, the processing time to become a U.S. citizen is 10 to 12 months. The INS does entertain on a case-by-case basis requests for expedited processing by people who are affected by some compelling reason.[42]

Explaining the citizenship process, Tancredi noted that in order to become a citizen one must be able to read, write, and understand English and have a fundamental knowledge of U.S. history and government. The law does allow exceptions for certain groups. If you are 50 years of age and have 20 years of residence or 55 years of age and have 15 years of residence, you are eligible to be tested in your native language. There is also a disability exception for those with a medically determined mental or physical im-

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[35] Sweet Testimony, *Edited Transcript*, p. 24.

[36] Ibid.

[37] Ibid., and pp. 25–26.

[38] Simon Testimony, *Edited Transcript*, p. 27.

[39] Ibid.

[40] Ibid., pp. 28–29.

[41] Tancredi Testimony, *Edited Transcript*, p. 29.

[42] Ibid., p. 30.

pairment that has lasted for more than a year, exempting them from the English and history requirements.[43]

Tancredi recommended that an increase in staff would alleviate the backlog of citizenship applications and shorten the processing time for citizenship. Further, a more multilingual staff would make applicants feel more comfortable coming into the office and expressing their concerns and questions.[44]

Panel 3: Rhode Island Congressional Delegation

To learn of the efforts the congressional delegation has made to eliminate some of the adverse effects of the Welfare Reform Act, the Committee heard presentations by representatives from the offices of Senator John Chafee, Senator Jack Reed, and Congressman Robert Weygand.

The entire delegation stated that although they supported the Welfare Reform Act, they were against some of the adverse effects the legislation would have on legal immigrants. The delegation explained that they have been trying to restore various components of public assistance to legal immigrants, including food stamps, SSI, and medicaid.

Senator Reed's representative, Norelys Consuegra, reported that the Senator is concerned with the Federal components of the law that deny legal immigrants access to SSI, food stamps, and other services. She stated that Senator Reed believes we should work to reform our nation's welfare system without targeting one specific group over another.[45]

The delegation was also in agreement about the much-needed increase in funds for teaching English to immigrants. The delegation agreed to return to Washington with this concern and try to find funds to support more English classes for immigrants.[46]

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[43] Ibid., p. 31.

[44] Ibid.

[45] Consuegra Testimony, *Edited Transcript*, p. 34.

[46] Consuegra, Herrington, and Labonte Testimony, *Edited Transcript*, pp. 32–35.

II. Edited Transcript

The following is an edited transcript of the consultation that took place in Providence, Rhode Island, on February 9, 1998. The original transcript has been edited to eliminate redundancy, and improve readability and clarity without changing the substance of each presentation.

Committee members present:
Robert G. Lee, Chairperson
Lester Hilton
Steven Klamkin
Sophai Moeuy
Olga Noguera
David Sholes
John Thompson
Dorothy Zimmering

Members of the Commission staff present:
Ruby G. Moy, Staff Director
Ki-Taek Chun, director, Eastern Regional Office
Fernando A. Serpa, civil rights analyst, Eastern Regional Office

Scheduled speakers at the morning session:
Linda Katz, Rhode Island Health Center Association/Rhode Island Coalition on Immigrants and Refugees
Gretchen Bath, Rhode Island Legal Services
Sister Marlene Laliberte, executive director, the Genesis Center
William Shuey, executive director, International Institute of Rhode Island

Unscheduled speakers:
Patricia Martinez, executive director, Progresso Latino
Joseph Lee, executive director, Socio-economic Development Center for Southeast Asians
Bernie Beadreau, executive director, Rhode Island Community Food Bank

Scheduled speakers at the afternoon session:
Susan Sweet, Department of Human Services
Peter Simon, assistant medical director, Division of Family Health, Rhode Island Department of Health
June Tancredi, acting officer in charge, U.S. Immigration and Naturalization Service

Unscheduled speakers:
Marlene Harrington, immigration staff assistant, Senator John Chafee's office
Christopher R. Labonte, legislative assistant, Congressman Robert Weygand's office
Norelys Consuegra, Senator Jack Reed's office

Proceedings

MR. LEE. Good morning. I'm glad you could attend this consultation on the Impact of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on Legal Immigrants in Rhode Island. We are the Rhode Island Advisory Committee to the United States Commission on Civil Rights. Before I introduce the Committee members and our guests from Washington, let me tell you a little bit about the Commission and its work with the Rhode Island State Advisory Committee.

Our primary role is to gather pertinent information in our State and to report back to the Commission. Today's consultation is one in which we seek to inquire into the effects of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on legal immigrants in Rhode Island.

In addition to hearing presentations from our speakers, the Committee would also appreciate any background materials, data, surveys, written reports that any of the participants may be able to provide to help us with a better understanding of the situation. This meeting will run from 9:20 to 5:30, and we are very pleased to have knowledgeable people from all of these areas to come to talk to us about this issue.

Let me just, before we begin, read a welcoming statement from the Governor who, unfortunately, couldn't be with us today but sent his greetings. He writes:

Congratulations to the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights for undertaking the consultation examining the impact the Federal welfare reform has had on the legal immigrant population within the State of Rhode Island. This is an important and vital consideration. By bringing together representatives of affected groups, including the Hispanic, Cambodian, and Russian immigrants; civil rights and immigrant rights advocates; community service providers; Federal, State, and local officials; and the general public, you are giving our State the chance to highlight the actions that we have taken to work in tandem with the Federal changes.

I want to thank you, General Treasurer Nancy Mayer, Malvene Brice, Lester Hilton, Olga Noguera, David Sholes, Chhem Sip, John Thompson, Norman Tilles, and Dorothy Zimmering for all of your efforts on behalf of the preservation and expansion of civil rights within our State and Nation.

Signed, Lincoln Almond.

MR. LEE. Mr. David Sholes will now give us some background on this project.

MR. SHOLES. Thank you very much, Mr. Chairman and members of the Committee. Ladies and gentlemen, I'd like to give you a background of what this project is and what we intend to accomplish, but first of all I would like to tell you what the two pieces of legislation are about that brings us here today.

Two recently enacted pieces of legislation have dramatically and substantially changed the eligibility of aliens for benefits in the United States. On August 22, 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the so-called Welfare Act. This legislation dramatically altered the current welfare system and in title IV restricted the access of legal and illegal immigrants to a wide range of public benefits. The law also provided for changes in the Immigration Act requiring the Immigration Service to establish a verification system to determine the eligibility for most Federal public benefits.

On September 30, 1996, the President signed into law the Illegal Immigration Reform and Immigration Responsibility Act and provided for strict changes in the immigration policies in this country. I'd like to give you a summary of the changes in the Welfare Act, which is now law, and these are just the high points.

Most citizens are no longer eligible for SSI and food stamp benefits. New immigrants arriving after August 22, 1996, are barred from Federal means-tested benefits for 5 years. After the 5-year bar, new immigrants that have sponsors must include their sponsor's income when applying for Federal means-tested benefits until the immigrant attains citizenship or 10 years of work.

After January 1, 1997, the States have the option to determine current immigrant eligibility for temporary assistance to needy families, medicaid, and other benefits. States have the

option to provide or bar State-funded programs for current new immigrants. State- and local-funded programs may deem new immigrants, as of March 1997, and undocumented immigrants ineligible for Federal, State, and local public benefits. And many of these benefits which are set forth in the statute include assisted housing, educational benefits, postsecondary education, amendments to the Internal Revenue Code, professional licenses, loans and grants from the States and the Federal Government.

Now, these bills have a potentially devastating impact on legal immigrants residing in this country. Although immigrants are only about 5 percent of the population receiving welfare benefits, almost half of the $54.2 billion cuts in welfare benefits mandated by the act comes from eliminating Federal benefits for legal immigrants.

I emphasize legal immigrants. According to the Urban Institute, an estimated 1.2 million legal immigrants and their families, many of whom are U.S. citizens' children, will be pushed below poverty level by the welfare cuts. These provisions will also be responsible for almost half of the over 1 million children being forced into poverty.

The Congressional Budget Office estimates that over a million legal immigrants will lose access to food stamps and thousands, tens of thousands, of legal refugees will lose their SSI benefits in the next 5 years. These losses in assistance are doubled if States exercise the authority reserved in the act to deny additional benefits, such as the temporary assistance to needy families, medicaid, and other benefits.

In light of these concerns and the losses to this population group, the Commission issued a letter to the President in which it stressed that the act specifically states that civil rights laws that prohibit discrimination from federally assisted programs applied to programs under the new legislation and that the Commission and State Advisory Committees will closely monitor its implementation.

The premise of welfare reform is that people who are able to work should be encouraged to find employment so that they will not have to remain dependent on government assistance; nonetheless, the blind, the elderly, and the disabled, groups that have been targeted by this act, are the least likely to find sufficient employment to sustain themselves.

The immigrant provisions of the act raise serious legal objections by conditioning eligibility for government benefits based on citizen status. Citizenship status is not a prerequisite for equal protection under the Civil Rights Act. This act, the Welfare Act, discriminates against national origin, racial, and ethnic minorities—particularly Asians and Hispanics, who comprise the majority of the new immigrant population to the United States over the last 20 years.

Let's look at Rhode Island. Rhode Island's home to a large number of legal immigrants. In 1996, 2 years ago, the last available figures show that approximately 4,114 elderly and disabled legal immigrants in Rhode Island received SSI benefits. Also in 1996, approximately 8,250 legal immigrants, Rhode Islanders living in approximately 5,200 families, received food stamp assistance. And it's estimated by August of 1997 (we don't have those figures) that approximately 6,400 legal immigrants in Rhode Island will have been removed from the Federal food stamp program and thousands of elderly and disabled legal immigrants will not be eligible for the Federal SSI program.

Today's consultation is an attempt for this Committee to learn from the community about the adverse impact of the welfare reform legislation. We would like to look at three major concerns or focus of this consultation.

First is to determine the nature and extent to which the implementation of the Welfare Act will have upon the legal immigrants and their American citizen children, what will be the adverse impact. Two is to determine if and how the State policies plan to ameliorate these adverse conditions which will result from the implementation of this act. And the third major issue is to learn the current efforts from the Rhode Island congressional delegation—what is planned to ameliorate the adverse conditions that may result from the implementation of the act, in particular of the implementation of the regulation that will be implemented pursuant to those acts. Thank you very much.

MS. ZIMMERING. Well, let's proceed with Ms. Bath and Sister Marlene. Let's get one more person on that panel. Mr. Lee? Okay, we have three. Good. Thank you.

I would like to mention at the beginning that I'm going to have two questions for almost everyone who appears before us. I would like to narrow the focus, and so I would like to know from each of you, not necessarily in your initial presentation, one thing that you believe that needs to be changed that would make the most difference and, secondly, what should the change be, so that I for one hear from you something that I could focus on. Changing things one thing at a time seems to be more possible in lots of cases than trying to generalize changes. So if you would start, Ms. Katz.

Panel 1: Immigrant Rights Advocates and Service Providers

Linda Katz, Rhode Island Health Center Association

MS. KATZ. Thank you. My name is Linda Katz. I'm an attorney with Rhode Island Health Center Association, and we are a nonprofit organization that provides services to low-income individuals, working particularly with Central Falls, Woonsocket, and Providence programs. I also had the honor of working with the Rhode Island Coalition on Immigrants and Refugees drafting some of the State's proposals to have Rhode Island pick up the gaps in services and loss of assistance from the Federal programs.

I guess I should start off now by telling you of some of the changes happening since the Personal Responsibility Act (PRA) passed. I don't think we can appreciate the pain and suffering that the people who lost benefits suffered when the PRA was enacted. Thousands of people throughout the communities were living in uncertainty for a long period of time.

But, as most people here know, Congress did act last year to fix some of the harshest provisions of the PRA with continued eligibility. One group of people that Congress did not restore SSI eligibility reform to are legal immigrants who were in the country before August 22 and who turned 65 and may not be disabled enough to qualify for SSI on the basis of disability, but are elderly, may not have worked for 10 years, maybe only worked for 8 years, and they don't qualify for SSI benefits. They may have language problems. They may have some health problems, but not serious enough to make them eligible.

Those people are still threatened with the prospect of no means of support because in Rhode Island we do not have, and some other States do, a State general assistance program that picks up people who are not disabled, who are not eligible, or who do not qualify for Federal benefits. In Rhode Island we still have that one gap. The coalition did try last year to get legislation passed that would have provided assistance to people who were not eligible for Federal benefits, but the general assembly did not pass the program that would provide benefits to people who were not recipients.

So right now Rhode Island does not have a safety net program for those individuals. There is legislation that is being proposed here in Rhode Island to pick up immigrants who are not eligible for SSI solely because of the changes in the Personal Responsibility Act. That target population would be people who were in the country before August 22 and turned 65 and would not be able to get SSI.

I'd like to focus my remarks on the population of people who come into the country after August 22, 1996, because I think that group has become the group that really has been affected and, having advocated last year with the coalition to try to restore eligibility for people who were affected by the Personal Responsibility Act, August 22, 1996, was kind of the cutoff date that we were able to say to policymakers that people who were here before that date were living by the rules and they should be able to have the same benefits that they had when they came to this country.

But it's the folks who come in after August 22, 1996, that really are, and I use the term loosely, discriminated against. Generally, we hear statements very receptive to the arguments that we should be taking care of our neighbors whether they were born here or moved here. In 1996, when the general assembly implemented its Family Independence Program, which is Rhode Island's block grant program of the Temporary Assistance to Needy Families program—every State set up its own program—and in 1996 said that legal immigrants would have access to family independence cash assistance in the same way that citizens have access.

Last year the general assembly changed the Family Independence Act and cut back eligibility and said that new immigrant families, children

as well as their families, would not be eligible for these benefits if they entered the country after August 22, 1996.

So in the legislators' minds, I think, August 22 was kind of the cutoff date. That means if a family comes to the United States and is sponsored here by a family, then 3 years down the road something happens to one of the parents or the children are in need of assistance, they won't be able to get help in Rhode Island.

Similarly, those families could not get food stamps for 5 years because of the bar, and there's not a State-funded food stamp program for them. If one of those individuals is in a serious car accident and becomes disabled, they cannot get SSI benefits because of the 5-year bar.

In response to your question, Ms. Zimmering, I would say that the focus should be setting up barriers to particularly low-income families in bringing other family members to this country. We're saying that there's a flat bar for 5 years for accessing public assistance. We also have set the bar higher for what income a family must have to bring family members here. Sponsorship rules have always applied to the public assistance program in the past where sponsors are considered available for a certain number of years before immigrants get assistance. This combination of the 5-year bar and the higher barrier to be able to sponsor somebody here means that families who come here and work hard at lower paying jobs may not be eligible to bring family members here. If they do, if those families members come and they work hard, they can't get access to assistance here.

So to a new immigrant coming in we're saying, "Sorry you can't access the same assistance that we give to somebody sitting next to you who is a citizen working for the same wage." I think those are areas of focus that we really should be looking at.

MR. KLAMKIN. Ms. Katz, I just want to compliment you on your work and the study that you provided. Have you been able to quantify numbers of people who—senior citizens, for example—who have been cut off or been left in the lurch, as it were, after the August 22, 1996, date?

Also, we've been told by our staff, our staff did some work, that it's been difficult to find any kind of definitive or comprehensive demographic data that goes into determining how many people are affected by these changes. Do you have any suggestions or recommendations for them? Who, for example, ought to be compiling this data?

MS. KATZ. Well, I think there will be information coming from the groups today that work with the immigrant community about the number of people they feel have been affected. I think in gathering the data, places like—and this gets tricky which I think is part of the problem of trying to quantify this. Somebody, for example, at the food stamps program should know how many people you turned away because of the rules. They should be able to keep better count of people who are affected by the Federal rules.

Similarly, the Social Security Administration should be able to tell us how many people who are elderly and applied for assistance and have been told no. I don't think their tracking methods on denials are very good, because often in that circumstance they would just say goodbye without taking an application and issuing a formal denial.

I think there's also the compounding factor of the information that's out in the community, who's eligible and who's not, some of which is misinformation. People don't even knock on the door. I think it's very hard to—you know, we can extrapolate from the number of people who have been on and use some percentages, but that would be the best we'd be able to do.

MR. SERPA. Being from Washington and not familiar with local politics, I'm just curious how receptive was the assembly to your efforts to make changes by a bipartisan group?

MS. KATZ. It was bipartisan and last year there were some proposals from the Governor's office, originally. Then there were a few proposals from the general assembly, both from the senate and house side. I think the response from the general assembly and, in large part, from many of the general assembly members on first or second generation immigrants was, "This is wrong and we're not going to let this happen in Rhode Island."

We're 1 of 10 States that established a food stamp program, and each State has a different set of restrictions. Some States only provide assistance to children; some States only provide assistance to children and elderly. Our State

said we will provide them for anybody who was in this country or in the State before August 22. Nationally, people understood what was happening before it happened.

MR. KLAMKIN. What's become of some of the elderly and disabled people, are you aware?

MS. KATZ. We did see massive harm with respect to if the Federal Government had not restored eligibility for SSI recipients. We would have seen people have their income cut by a little bit more than half. In terms of elderly people now who would have been eligible under the old rules but no longer qualify, again, some of the groups can give you some of that information, and that's the group of people we need to try to quantify and find to pick up under the State program and to make an argument that we should have a State program.

MS. NOGUERA. I'd like to ask you about the recommendations that you proposed to the Commission. The point that you mention about we don't know how many people we turned out of the doors, what will be the recommendation that you would have for the Commission? As far as the Rhode Island regulations and for reason for denials, for instance. We don't know how many and we don't know the reasons for denials. So what would be your recommendations to the Commission?

MS. KATZ. Well, the State and Federal agencies could keep better track of requests for assistance and track denials and the reason for the denials, and that would start to give us the new information that we need to see the impact, particularly with people who came after August 22 of '96.

I think the other—and I get a little bit leery of saying the State should track this information—I think we need to work out a way that people can make a request and the information we extract can be tracked in a more anonymous way. Those are certainly things referred to when tracking information.

I think we can also do a better analysis, perhaps, of people who are recipients and what other family members may be entitled to. So I think the specific recommendation is that we work together as State agencies, ask the right questions so that we can get appropriate information reported back, and therefore get a better handle on that.

MS. ZIMMERING. Thank you. Any more questions? Okay. Let's move on. Ms. Bath?

Gretchen Bath, Rhode Island Legal Services

MS. BATH. My name is Gretchen Bath, and I am a lawyer with Rhode Island Legal Services. Rhode Island Legal Services is an agency which provides free legal representation to low-income people. I want to thank you for inviting me here today. Linda has pretty much covered everything that I was going to say, but maybe I can give you details on the more recent legislation on the State and Federal level that somewhat ameliorated the effects of the Personal Responsibility Act in Rhode Island.

And, just to summarize again, in Rhode Island there are two large groups that still remain affected, the elderly, nondisabled legal immigrant population who are no longer eligible for SSI benefits or cash assistance, and second of all, the new entries, legal immigrants who come into the country after August 22, 1996, who are not eligible for food stamps and to some extent for medical assistance.

So those are the two groups of legal immigrants who are still affected in Rhode Island by these changes. People who enter the U.S. legally after August 22, 1996, are not eligible, in general, for food stamps, they are not eligible for cash assistance, and they are not eligible for medical assistance, except for pregnant women and children regardless of their date of entry.

I will agree with Linda also that the new entries are the group of most concern. I think, otherwise, Linda covered everything I was going to say about the public benefit program except for one issue. I think there has been a lot of national attention lately in view of the public charge provisions related to INS, and that is that nationwide States are now getting into the business of recovering medical assistance or other public assistance benefits that have been paid out.

Let me give you the scenario. A pregnant woman gets medical assistance benefits in the U.S.; she's entitled to those benefits. They pay for the cost of her delivery and childbirth and whatever. And in this scenario the husband, who is not eligible, leaves the country and comes back in. When he comes back in the INS says, "No, you can't come into the country until you repay us the medical assistance benefits that we paid for your wife while she was pregnant."

Now that's something, as I understand it, that is a recent trend. The States are starting to recover those benefits by contacting INS and providing information of who received medical assistance benefits and how much those benefits were, and then that's how the INS helps recover the State debt, supposedly. I saw this being covered recently in a Spanish newspaper. It was a newspaper out of L.A. indicating that being an issue in California, and as I understand it, it's an issue among immigrants.

You have to remember that these are lawfully paid benefits, and there is no question of fraud or overpayment or anything else. We had recently, at Legal Services, run into a hearing decision where the State of Rhode Island collected benefits through this mechanism, through INS, and recovered medical assistance benefits that were legally paid to the spouse in the situation.

We contacted the Department of Human Services (DHS), and as I understand it, they have been working on this issue. There was some guidance from the Federal Government to all the State medicaid directors saying, "You can't do this. First of all, there is the issue of confidentiality, and second of all, you have no right to repayment in the absence of fraud." So they have told me that they no longer engage in this practice.

I understand that the Department of Human Services is taking steps to reimburse the families that—I guess there are two or three families that this happened to, from what I understand. And DHS has taken the steps in abiding by the instructions from the Federal Government. At least in Rhode Island that should be an issue that we need to work on.

MR. SERPA. Historically, have you seen an increase in the people coming in?

MS. BATH. That's a tough question. One thing we have noticed is somewhat of a decrease in the number of people who have contacted us because of public benefit problems since welfare reform. We've been trying to track the number of calls that we've been getting, and I think it's been somewhat of a drop in the number of requests for our services.

There's a great sense of resignation among people that, "Well, it's welfare reform and this happened to me and nothing can be done about it; I'm not going to bother fighting it." There were a few hearings on those questions and appeals made when welfare reform started to come out. Much of that was probably because they felt there was nothing that could be done, but I think there are also many situations where people just don't do anything about the reduction in benefits.

Our sense in our office is there's a general feeling of resignation: "This is just the way it has to be. My benefits were cut. This is welfare reform and essentially there is nothing that I can do about it." I don't know if I really answered your question, but in terms of the program, I don't know the answer to that.

MR. KLAMKIN. I have a couple of questions I wanted to ask you. One, I want to get a sense, if you can provide us one, of the atmospherics of going before these agencies and carrying out appeals or initiating claims. How well or poorly are people received when they do go before, say, a hearing officer? Do you have any concerns that people's civil rights are being violated?

MS. BATH. Well, I think once you get to the actual formal hearing stage that people are treated very well. It's a formal setting and everyone's treated pretty much similarly. I guess I would say that where I think the problem arises is in the more informal, undocumented kinds of contacts where people might go in and say, "I don't think this is right. Can I do something about it?" And they are told, "No, you're not eligible. Don't bother."

MR. KLAMKIN. Even when people first walk in the door?

MS. BATH. Well, maybe when walking in the door or maybe walking in after a determination or after receiving a notice terminating their benefits, and they might come and say, "What is this?" or ask for clarification or maybe even indicate that they want to file on appeal. My sense is from dealing with this over the past years, there's a lot informal denial going on at the Federal, Social Security, welfare, and DHS offices and people are told, "Don't bother with that, you are not eligible," and they just leave.

Because that's an oral decision about eligibility, there's no notice that goes out, there's no appeal from that, there's no documentation, even. We get told many, many times from clients they were orally informed that they should not bother applying. I think, to be fair, in some cases the workers might think that that's helpful rather than questioning their immigration

status or whatever or requests for benefits. They think they are helping the person out by simply sending them away. I think in Social Security, for instance, what we've seen is someone going in to request benefits and they don't take an actual application. They'll just say, "Oh, no. You're really not eligible. You shouldn't apply." And they will be sent away without an application being taken, and that means sent away without an actual denial on the record. So I would say that the problem is in the more informal denials, the oral denials, rather than at the actual hearing stage.

MR. KLAMKIN. Do you have any concerns about the people who work for that department or do you think it doesn't go that deeply?

MS. BATH. Well, I suppose one thing I didn't mention that's a problem at both DHS and Social Security is the lack of available interpreters and the lack of notices in their languages. That's certainly an issue that needs to be addressed at these agencies. That's a real civil rights issue. The oral denials, I think, is just across the board. I see it less as a civil rights issue and more of a process issue because I think it's not limited to any certain groups of people. I think both agencies do a lot of work in terms of notifying these people in their own language of their rights. I know that notices are sent out in English, but on the back of the page there is a multilanguage blurb that tells them this is an important notice and requires their attention.

MR. KLAMKIN. Do people frequently walk in alone or do they go in with some help or do they come to your agency only after the fact?

MS. BATH. Usually they come to our agency after the fact. I think it's fairly common for people to come in with a family member when coming to apply, and that family member or friend can be used as an interpreter in some cases. Certainly, there are many people who come to our office who have been to an agency and bring somebody with them because they have been told before there's nobody that speaks their language and they have to come back and bring someone that speaks their language. And this is a common complaint, especially at Social Security, I would say.

MR. LEE. I'd like to ask a question about medical assistance. If one is no longer eligible for medical assistance, what's happening with those people in terms of emergency care and so forth?

MS. BATH. That population is entitled to emergency care for actual life-threatening situations and for, obviously, labor and delivery.

MS. KATZ. We see that people who don't have access to medical assistance coverage receive services. People who are undocumented were never entitled to medical assistance. The loss of medical coverage has really been for people coming in after August 22, 1996. The children are still eligible, but elderly and disabled persons are not eligible. And we don't have universal health insurance, so there's a whole bunch of people who are not eligible for medical coverage whether they are citizens or not.

Again, it's a tracking issue. If a new immigrant who has a serious problem goes to the hospital expecting to get emergency care, the hospitals may be able to get those costs paid for them. I can't tell you the number of people that we see qualified who previously would have been covered by medical assistance but are not now and those who are undocumented and have never been covered.

MS. ZIMMERING. Thank you. Sister Marlene Laliberte.

Sister Marlene Laliberte, the Genesis Center

SR. LALIBERTE. I would like to thank you for inviting me here today. I'll just tell you a little bit about the Genesis Center, what we do, who we serve, and how the Personal Responsibility and Work Opportunity Reconciliation Act would affect the center.

The Genesis Center is a school and support center for adult refugees and immigrants, and we provide English as a second language (ESL), job skills, survival skills, teaching skills, and job training. We also have support services such as child care for refugees and immigrants. We service a great many Southeast Asians, Hispanics, and Eastern Europeans.

Most of the people that we serve are there to learn English and to move on to work. Many of them have young children and they are in our child care centers, which service mostly children of parents who are on welfare. I think one of the things that we see are people who are trying to learn English. I think you've seen people and the difficulties they have. We see a great number of people who come here who are really trying to learn English. We service a lot of people who are

very low in English, and it does take them a long time to learn.

So to say they are going to move from welfare to work in a very short time is kind of unreasonable, because employers would not want them there unless they knew enough English to be able to do the job properly. We see a lot of people trying to get into programs such as English as a second language. There are not enough programs for people who need to learn English. We have maybe 100 to 150 people who would like to learn English and would like to move on but cannot do so.

One of the problems that we see is the insufficient amount of classes for people who really want to work and get off welfare and better themselves. And as someone who runs an English as a second language program, to be truthful, we need more English as a second language programs, and it should be available to anyone who needs it so that they can move on.

MS. ZIMMERING. How long is your program?

SR. LALIBERTE. Some people have stayed as long as 2 years, but most of them are in programs where they can only stay 14 weeks, 15 weeks. And to try to learn the whole language in that time period, that's an impossibility. We also have job training and for those we get grants from Providence-Cranston Job Training and places like that. They are only allowed 14, 15 weeks to learn English and to do the job training. That isn't enough time. And because they are low level, it's harder for them to get a job and they can't move on.

MR. SERPA. Do you offer citizenship classes and has attendance increased?

SR. LALIBERTE. Yes, we do and yes, it has. That's our major work. We worked with 77 people last year, and this year it was probably well in the eighties.

MR. LEE. What are your funding sources for the ESL program?

SR. LALIBERTE. Most of our funding is through grants. There's the Department of Education grant, different organizations, foundations, grants, funds. The Department of Human Services has just come out with if you have your program approved by them, then they would give you funding to teach. We haven't really heard that that's in effect yet.

MS. NOGUERA. I just want to go back to Ms. Bath. When you said that public charge is someone who is coming back into the U.S. and they were stopped, what happens to that person? How do immigration officers at the entry port know that this individual used public services before?

MS. BATH. I'm not sure of the technology, but I'm sure there is a computerized system. I assume that States provide information, provide names and amounts of debt, and they must have some kind of way of tracking by immigrant's name or by spouse and plug it into the computer at entry.

All I really know about it is what I heard from a client and read in hearing decisions which was they simply as soon as he got there said, "Stop, you have a debt. You're not coming in. You have a debt to pay first." They will not allow them entry.

MS. KATZ. I think it's important for the panel to know that in a program like RIte Care—for us to say a immigrant who may be working at a $35,000 a year job and does not have coverage from their employer and relies on the RIte Care program for a pregnancy or for their children, that that somehow affects their immigrant status. I think we have a real serious civil rights issue.

So in my mind we need to start looking at how that assistance affects people's ability to move from being an immigrant to becoming a citizen. And one of my recommendations would be that the DHS, when training the human service worker, that they understand exactly what the Personal Responsibility Act means so there's not a climate of hostility at the Department of Human Services. People should be able to come and ask questions and that the worker understand what their goals are because I think there's a lot of confusion on the part of workers as well.

And this can be a broad thing that ranges from making sure that information is tracked when somebody asks for assistance and are not eligible to maybe seeing that people who have eligible family members get the assistance that they need without family members feeling insecure in coming in. I think training to help the workers understand what the law means and how they need to apply it.

MR. MOEUY. Do you know what kinds of people go through your program? Such as a breakdown of Southeast Asian people?

SR. LALIBERTE. Probably about 50 or 60 during the course of a year.

MS. ZIMMERING. Thank you very much. I'd like to review my focus, but it's not necessarily the Committee's focus, but it's my focus, my primary interest. As you go through your presentation, which we really appreciate having you here, if you could indicate at the beginning, the middle or the end, anywhere in the 5- to 10-minute presentation, what change you feel would be most productive in being made at this point and what you think the change should be. If a change could be made, where do you see it being most productive and what do you think that change should be. Rather than saying, "I think things should be changed," if you could tell us how you think it should be changed, I would appreciate that. If we could start with you, Ms. Martinez.

Patricia Martinez, Progresso Latino

MS. MARTINEZ. Good morning and thank you. Thank you for this opportunity. It's really exciting to see that this Advisory Commission is concerned about the issues the Asian community faces, particularly as it relates to welfare reform. As I said before—I'm almost positive that I speak on behalf of most of the agencies that are here—I would like to welcome all the commissions to visit our agencies, perhaps in the next 30 days, to meet with some of the participants who are really being affected by this.

My agency is open to possibly having several focus groups helping to coordinate some of these efforts and hopefully help you guys get some of the information that you would like to get. I'm the director of Progresso Latino. Progresso Latino is a multiservice agency. Primarily, we service the Latino community. We were established in '78 as an agency to service the Latino community.

What we have seen in the last 5 years is an increase of other immigrants who are coming to our agency seeking all kinds of services. Some of the services that we provide are day care centers, senior citizen programs, health, education, and prevention programs, such as lead prevention, HIV, AIDS, tobacco prevention and control. We have an after-school program for Latino youth ages 12 to 16 years old, and we have a large component of our adults in adult education programs, ESL, citizenship, GED, job training.

In many cases, a lot of our time is utilized by people who are applying for public assistance, and the first step for them is to complete a welfare application. Those people come to us because they don't have anywhere else to go. The office, for instance, welfare office, does not have the personnel to assist some of these families in filling out those forms.

Also, we assist in helping people find housing, employment, schools, connecting the families who are moving into Rhode Island or into the cities where we are located, placing their kids in school, bringing all the documentation they need, and many times just working with a lot of the agencies who are present here to refer families and provide comprehensive services.

One of the concerns that we have seen, although, as you heard from Linda and Ms. Bath and Sister Marlene, I think they have said a lot of things in terms of what we have seen in Rhode Island. I think Rhode Island has been a pioneer in terms of strides in the effects of changes in welfare reform as it relates to the immigrant community. However, there's still of lot of gaps.

What we're seeing right now with this welfare reform, you must meet certain prerequisites in order to be eligible for certain benefits or to be assisted. If not, you're not entitled. When we started seeing the changes of welfare reform and we started seeing the families and the people that were being targeted, it was like everything was the basis of civil rights. It was age discrimination, which was the elderly. It was women, most of the people on public assistance being females. It was national origin, most of the people, as you very well stated, are Latinos and Southeast Asians. These are the people that are being affected.

One of the two biggest concerns that I have is the effects that welfare reform is going to have on the immigrant community in the long run. For instance, one of the biggest problems we have always had as immigrants is poverty. Welfare reform is causing a lot of our families to be in even worse poverty situations than they were in before.

Another concern that I have is their children and the dropout rates. When you look at the rates of Latinos dropping out of school, my concern is that in 5 years those figures may double or triple. And with that, I want to tell you—

Linda and everyone has spoke about the fact that new families are not going to be eligible for some of the benefits. What I'm afraid is going to happen is a lot of the numbers that we may see in the near future, it's kids who are coming into the country already 15 and 16 years old looking for jobs because mom and dad don't have enough income to support the whole family. These kids are going to eventually have to drop out and support the whole family.

One of the other concerns that I have relates to housing and somebody brought up the issue of housing. I'm seeing citizen children being punished because their parents are not citizens. I think it unfair and think it's saying we are second-class citizens in this country.

Those are just some of the concerns that I have. Along with that is the whole issue that—I think it was brought out by Ms. Bath in terms of the access and the public charge. I think there's a lot of confusion, even among service providers, as to what is "public charge." What we are seeing, at least in my agency, is a family who has petitioned for their family members. Families who are in the Dominican Republic, Columbia, Peru, whatever country, and who finally after waiting for 5 years, 6 years, have a visa available for them and just because that family member who is in this State at some point received any type of public benefits, that family member overseas is not being given a visa because his family member up here has to repay the State.

There's a confusion in terms of, "I want to pay, who do I pay?" It's the Department of Human Services, to my understanding, that are saying, "We don't want the money." I mean, "We're not asking for that money." There's also some confusion, "How can I come up with $7,000?" and "They don't understand payment plans?" If you were given $7,000 or $10,000 worth of, let's say, medical benefits, you have to pay that amount of money all at once. Well, I can tell you that, I don't know if any one of you have $10,000 in the bank; I certainly don't have it, and I think that among the immigrant community who are working families and even those who may have been on public assistance, they certainly don't have not even $5,000 in the bank or they wouldn't be needing public assistance services.

Along with that, because there's so much confusion and misinformation, in terms of setting up a safety net for the families who were receiving public assistance or who were receiving food stamps before and provided a health service for any child under the age of 18 regardless of their family income, one of the things that we are seeing in our agencies is a lot of these families are not wanting to access those services. They are afraid that if they apply for those services today, that tomorrow when they go and petition for somebody, or that tomorrow when there's even confusion in terms of them being afraid when they go to apply for their citizenship, that they are going to be denied that benefit.

The immigrants are always going to be behind. They are not going to be able to access those services because they may not be eligible for any of those services. Again, I would like to emphasize some of the issues that were brought up in terms of employment, in terms of poor secondary education. Some things we are seeing with some of the families who have been affected directly are families who are already being pushed to go to work.

As Sister Marlene mentioned, there are some programs that allow a family or a participant to be in an ESL program for a year or for 6 months, but after that, because their English skills are still so low, one of the things that is happening with a lot of these people is they are ending up in temporary employment agencies. Because their skills are so low, they are not finding permanent employment.

These are families who are working today. These are families who are going to a temp agency on, say, Dexter Street in Central Falls. They wake up at 5 o'clock in the morning, go there, and sit hoping that somebody's going to call and say, "You're going to go over to X factory today." And this is the kind of employment opportunities we are providing some of those women. It's not giving them enough opportunity or enough training, period, to really provide a very solid base for them to move out of the system.

I'm just concerned with the 5-year bar. I don't know what's going to happen after 5 years, because if they don't gain enough skills in the next 2 years and again Sister Marlene made it very clear, if you're trying to learn another language, if you have very low literacy skills in your language, it's going to take longer for you to learn

English or any language in the respect that you are going to come out with very strong skills in less than a year is very unrealistic. What was your question? I'm sorry.

MS. ZIMMERING. If you could change one thing about the law, at this point, that you think would make the most difference, what would it be?

MS. MARTINEZ. I think some of the things that need to change is to expand the educational period. I think that's the key.

We're moving into the 21st century, into an economy that's no longer a manufacturing economy. It's an economy that requires more reading and writing and thinking skills. We cannot compare the immigrants of today with the immigrants at the beginning of the century.

I remember when my father came here. He was brought by a company to work in textiles. And as a textile worker, he could leave his company today and if he wanted to work two jobs, which he had for a long period of time, all he had to do was walk up the street and say, "I work at such and such company on the first shift. Do you have anything on the second shift?" "Sure, you want to start now?"

We don't see that anymore. This is not a manufacturing economy. Rather, these people are relying on temporary employment where you may be called in today and you may not have a job for the rest of the week. So I think that for this economy we need to provide these people with very strong skills.

MS. ZIMMERING. Any other questions from the panel? Anyone else? Okay. We'll move right along. Thank you very much. Mr. Shuey?

William Shuey, International Institute of Rhode Island

MR. SHUEY. Along with Patricia Martinez, I have been concerned as an advocate in the community about the impact of welfare reform and the Personal Responsibility Act, particularly for folks who haven't been here long enough to have been deemed eligible for social security benefits.

I think the State has come through in a way that temporarily has kept the wolf from the door. I'm a great cynic on the subject of law. I don't really believe laws are very—you know, it's a crude tool, I think. And I also feel, just because I'm aware from being involved in human service work for a long time, that people are people. I think poor people are poor people whether they were born here or not.

These distinctions in my mind aren't very useful in the real world. Nonetheless, the law that was passed—in a sense the people who were not yet U.S. citizens were treated somehow differently. That's not a very useful thing to do, and that's sort of something that I think is part of where I'm coming from on this.

We, like Patricia and Joseph Lee and like others here who are involved with the immigrant community, we have been involved in the immigrant community since 1921. In fact, we've been involved in helping different groups of immigrants assimilate, be it English instruction, immigration law assistance. We have people who are on our staff who are attorneys or paralegals who represent people who are claiming, say, political asylum. I think it is really a response to a particular need in the community of people's inability to afford some high-powered legal assistance on immigration matters.

The second thing we do at the International Institute is to teach a lot of English. Immigrants of whatever economic background, and I must say the majority of people coming in our doors are working; in fact, their views on the subject of welfare are interestingly often right at center. In fact, I think, my interpretation of the welfare law is that most Americans really thought it was a good idea to hold people on welfare's feet in the fire.

I think that's true of a lot of people who are here. The elderly, people who are really beyond working age, what happens to them in the Southeast Asian community, refugees, and the Latino community is of concern also.

So those are just some things I wanted to say. You know, and many of the concerns that Patricia articulated regarding education and training programs. Most of the female Latinos who are engaged in the programs have been on public assistance for some time and are very concerned about going to work because they have very little experience with jobs where English is, in fact, a requirement. I think the more time they can spend learning English, to say nothing of the cultural norms of the workplace—nobody wants to hear that your kid is sick. Nobody wants to hear about that in the workplace, particularly with these low-status, low-paying jobs. And I think people sometimes who have been on public

assistance where, social workers are, you know, bleeding heart liberals, they don't always find that in the workplace. I think these are the realities that many of us take for granted, and I think the immigrant refugee, foreign-born community, really, in my judgment, have the same obstacles as native-born poor people with the cultural overlay. That's the end of my monologue here.

MS. ZIMMERING. How long do you think, in your experience, does it take for someone to become reasonably literate in English, that is, read, write, and speak English?

MR. SHUEY. That's a good question, Ms. Zimmering. I am not sure there's an easy answer. Needless to say, what we found in terms of achievement—sort of ducks taking to water, if you're, in fact, already literate in several languages, you move through pretty rapidly and you can move into the mainstream.

I think for folks who really have had little time in the classroom it can take years, it can take their whole lifetime. I think, in fact, beyond a certain age it's probably not a highly—you know, there is a sort of classic conflict between economic needs of our economy and the citizenship issue and the issue of participation in the culture.

In many ways there are two worlds, the business world at work and there's the world of education. I think a short answer is the function of the person's educational background and probably class background to some extent. Some of the most intelligent and most incredible people are in fact illiterate, and we need to understand that if we're talking about a pluralistic society that people with low skills can be extraordinary contributors to our culture and our economy.

But the literacy issue, given that it's so much more important than it was, say, when Patricia's dad was in his prime—maybe he's still in his prime, I don't know; my dad thinks he is—I think to some extent, obviously, without the literacy skills you really are hampered. And I don't mean to say that we think they are going to compete for high-tech jobs against college graduates. That's just not going to happen.

MR. MOEUY. I think learning and speaking English depends on the educational backgrounds of those people from Southeast Asia. Most of them come here without education. They can't read or write, so it takes them a long time. They aren't going to learn English fast, but they are holding down jobs and are productive.

MR. SHUEY. Sure. I mean, you're right. It's a lifetime thing. And I think many people are very productive, working two jobs and in jobs where they aren't required to speak perfect English, and they can do quite well, thank you. And I think that's something to be remembered that, in fact, the bulk of the immigrants are in fact surviving quite well and I think we need to remember that.

And I think, certainly, what I find at the institute is, when I'm talking to my students, I've been teaching a class this year for the first time in quite a while, and issues like welfare are very controversial to people who work in factories for a living, and I think people underestimate the complexity here of this—that in fact, there's a lot of sympathy among Americans of all classes towards welfare reform. That's why Clinton was able to get away with it.

And you have to remember, what about their kids? I think the issue is the children, your children, to what extent are they going to be able to get mainstreamed and to really compete with mainstream people and I think that's the question. I think that is a reality the immigrant experiences. They make an enormous sacrifice coming here, refugee or immigrant, and refugees, of course, are not here by choice. They are here because otherwise they'd be dead.

And I think the Cambodian community has adjusted so well and that the fact it doesn't have more problems is sort of extraordinary. It has nothing to do with laws.

Then, again, my skepticism about the legal impact of law is a function—I'm a nonlawyer, I have to say, and I'm sure there are plenty of lawyers who feel otherwise, but I think it's important to keep in mind the whole spectrum of the community here.

One of the things about citizenship, if I may, I think elderly people—we were talking to Senator Reed and one of our practitioners said that elderly people in particular when we talk about Pol Pot here and these elderly people maybe didn't see their families starve to death and suffer some in this extraordinary way that the Cambodians have.

Any older, elderly person has a heck of a time with English, and if you have that as a requirement for citizenship, it makes things harder.

And then there's the content—these folks are never going to become citizens unless some sort of—you know, at a certain age you need to have some requirements waived, and as the director of our program mentioned that is something senators should be aware of.

MR. KLAMKIN. Is there not a distinction in the law between refugees or political asylum and immigration? Is that observed?

MR. SHUEY. Well, I think there's some concern about this with respect to this Personal Responsibility Act, and in fact, refugees who have not been here the required amount of time, would they be part of the SSI cuts? And the word in the community was that they would possibly lose their benefits, so it was a real concern. And if these refugees have not become citizens because of the language or whatever, then, technically, for benefits, and noncitizens don't get SSI benefits, I mean you have a problem. The Cambodians would definitely be affected by this.

MS. ZIMMERING. Joseph Lee, please?

Joseph Lee, Socio-economic Center for Southeast Asians

MR. LEE. Thank you. Good afternoon. My name is Joseph Lee, and I'm with the Socio-economic Center for Southeast Asians. Our agency is a coalition of the poor coming from Southeast Asia. The agency was formed in 1987. We are much ahead of the system for the benefit of our people. I can speak four different languages, and as you know, Cambodian people speak completely different languages, but we are working for a common language and that is English.

We have many different programs from gang prevention to drug prevention, to services for the elderly, Progresso Latino, and the Genesis Center. We serve the elderly. We have tobacco control projects, and we serve mothers with children from 6 to 13 years old. We work with mothers who have children from birth to 3 years old. We have substance abuse prevention. We provide services to victims of domestic violence.

I'm here to today to talk about the impact of the Personal Responsibility and Work Opportunity Reconciliation Act. In my opinion, the immigrants' benefits should not have been cut from the outset because they are here legally. They work, they pay taxes, and they should be entitled to receive help when they need it.

Fortunately, I would like to thank our lawmakers, I mean the Senate and the House in Washington, D.C., for restoring some of those benefits. I would also like to thank our State legislators from the government for picking up the food stamps for the people who lost their benefits. Without their benefits, I believe that we are impaired because many people rely on the help and assistance, especially the elderly.

We came here as refugees as Bill just said. We had no choice. We had to run away from communism after the war in Vietnam. Of the refugees who came here, there are many soldiers who fought together with the American soldiers. With them, according to what I talked to them about, they have a feeling they have been abandoned a second time. The first time after the war in Vietnam. We should have won that war, but for some reason the American troops ran away, left them alone.

They could not live with the communists; they had to run away. And now say you're an immigrant; you are not citizen—cut you off. They have a feeling as people who were ex-soldiers how they were abandoned again. The second time that they got that feeling. The other thing I talked to Mr. Silver about is how can I find something that would impact after they receive food stamps and the food program benefits are restored? There are some people who were denied because of SSI disability and are denied because they say their health improved; that is questionable to me.

Now another problem was the people who have been working and for some reason they've been laid off. After employment benefits run out, they cannot find a job—and no help. So there's a problem right there. To us, we said they are people who are too old to find jobs but too young to receive SSI.

So if we have the chance we have to think about how to help these people at least with medical assistance which they work and they pay taxes; now they have been laid off and after their benefits run out, they cannot find jobs because for many English is one of the reasons. And as opinions have been expressed, it takes a lifetime for people to learn English.

Now we can come from another country and the level of adjustments to the new society are different. Some people can adjust in a few years; other people may take 10 years; other people

may take 20 years. But we say it only takes 5 years and during these 5 years they are under the pressure of looking for jobs. They have no free time to learn English.

In our agency we only offer vocational English as a second language in Woonsocket. We teach our people English, and we make sure that their English is fair enough for them so they are not going to be laid off. I remember when I first came here in 1931, luckily I spoke English. But at that time they were trying to train our refugees for a short time to learn English, 3 months to 6 months. I opposed that. If you train people for 3 months before they go to a job, they come back to welfare again, and especially if they do not have medical benefits, they are not going to work. Not because they don't want to work, they are very hard-working people, but they are scared of losing their health benefits.

Now, you have to work a full-time job, learn English, go home and take care of children. Now, when they came here there is no hope for the first generation. Their hope is for the second generation, that the second generation would grow up with adequate level of English skills so they become good citizens.

Also, learning English to our people, Cambodian, is very difficult, especially for the Cambodian. They have their own script and now in order for them to learn English they have to start from the beginning. It's very, very difficult. Now, in our people you will find that we have what's called a post-traumatic syndrome from our country, but they are here now. So it distracts them from learning English.

So what I'm saying is I suggest you should form a special committee to monitor the radio talk shows that can really affect public opinion with regards to immigrants and refugees. The immigrants from Southeast Asia are now no longer refugees but considered immigrants. It is very hard for us to become U.S. citizens. It's not that they don't want to. They want to, but the process takes too long.

Last Friday I had a staff meeting and one of my staff told me there was an old woman, Cambodian, that had to go back to Cambodia after living here for almost a year because her children were not able to support her. The mother did not want to see the children have a hard time, so rather than break their hearts decided to move back to Cambodia. I would like to answer any questions from the Committee.

MR. KLAMKIN. I want to go back to Ms. Martinez. One of the things we heard from the earlier panels was talk about what would be required to reimburse the government for their medical assistance or other forms of assistance. I thought in one of the earlier panels somebody mentioned that this was changed in some way or that this had been reversed in some way. Is that not the case, or do you know?

MS. MARTINEZ. I'm not sure. I stepped out for a minute, so maybe it was at that point when you heard somebody refer to it. The cases that we have seen in our office are people who have petitioned, as I mentioned, for relatives a long time ago and have waited all these years, and finally because that person may have applied at some point for any type of services are now—in order for that relative to be given a visa abroad, they are asking that the person makes some kind of arrangement with the agency in the State where they are residing before the relative is given a visa abroad.

What I think I heard Ms. Bath say was that she has seen cases where when the person is coming, meaning at the port of entry in Miami or New York or whatever. We haven't seen those cases. The ones that we have seen are the ones as the person goes to the embassy abroad. That's when they are asking that. They would not be getting a visa until they have some type of proof that the relative who has petitioned for them has paid the State.

MR. KLAMKIN. Do you see that as a significant bar to immigration?

MS. MARTINEZ. I do. As I said, one of the concerns that I have because people are hearing some of those issues, the ones that are here, some of the elderly that may be eligible for something or even the children who are eligible for RIte Care or even child care services, even though child services are a State service, those families don't even want to go near the welfare department because unfortunately you apply for these benefits at the welfare department, and they are just afraid that if they utilize any of the services that at some point in the future they may be denied.

MS. ZIMMERING. Thank you very much for coming. You were very helpful. Do we have Ms. Carrera, Ms. Steingold, Mr. Beadreau?

Bernie Beadreau, Rhode Island Community Food Bank

MR. BEADREAU. I'm Bernie Beadreau and I am the executive director of the Rhode Island Community Food Bank and have been executive director for about 2½ years. I have a few comments about the impact of the Personal Responsibility Act on legal immigrants in Rhode Island.

About a year ago when the Governor's budget came out, it had some money in the budget for ESL and citizenship classes and also money in the budget for food assistance, about $250,000 for food assistance for legal immigrants. We joined with different groups to eliminate childhood poverty and to basically start a campaign to get a message to the Governor and the State legislature that that would certainly not be enough money to take care of the human need that we were going to be seeing and had already begun to see in our food pantries and soup kitchens, 150 of which are members of the Rhode Island Community Food Bank stretching from Woonsocket to Westerly to New Bedford and beyond New Bedford into southeastern Massachusetts.

We, over the course of about 6 weeks, generated about 3,200 signatures, petitions to the State legislature, that was coincident with the Senate Finance Committee passing a bill to reinstate a food stamp bill that would be a State food stamp funded bill, probably only the second or third State in the country to do so. We lobbied very hard. We pushed and we were especially successful. The house of representatives passed the bill; it was in the budget, and Rhode Island became one of the few States in the country to have a State-funded food stamp bill. Not only did we fund that, but the Department of Human Services food stamp program again, thankfully, implemented that program in record time.

So our recommendations to this Committee are going to be probably to keep the food stamp program going for legal immigrants. What the food bank had done, in addition to that, was to gear up an emergency food distribution program starting in September. We purchased over $250,000 worth of food at wholesale prices, and through about eight key food pantries and organizations that were located in high-impact areas where there are a lot of legal immigrants, we distributed food.

What we found was that our food pantry system was ill-equipped to take on a huge influx of people who were limited in English-speaking ability, people who were foreign to the whole food charity system which in and of itself was a process. People had to register, they had to wait in line, and they'd get handed a bag of food, quite different than going to the supermarket to buy your own food.

But I would have to say that the impact of this law has been to put many more legal immigrants at risk of hunger and suffering from hunger. Right now there are more hungry legal immigrants in Rhode Island than there were a year ago. We know this because people are denying themselves the access to the food that we have waiting in the food pantry. They are afraid of the process, and if you think about it, if you'd been put out there as the problem in our society, that's what welfare reform did—it was like, "Poor people are the reason why we have trouble in our country." And add to that people feeling that legal immigrants are doubly responsible for our problems in society, they do feel threatened in situations where some parts of the community want to reach out and help them.

There's another America out there. They are the long-term unemployed. Those are the people Patricia Martinez's references have been in regards to manufacturing jobs. Just here in Rhode Island there's been a loss of 36,000 manufacturing jobs in 10 years. That's a lot of income. That's a lot of jobs there that did not require higher skills. Again, they've been replaced, most of them by service sector jobs requiring literacy and higher level skills.

So anyway, that's what I'd like to say about the impact of the law. It should absolutely be changed. And I think Congress should issue an apology to the legal immigrants of the United States.

MR. SHOLES. Do you make a distinction between the legal immigrant and the citizen when the person applies for food?

MR. BEADREAU. Not at all. The only requirement is that people indicate that they are in need of food, and they will get food. We ask them to prove their residence, that they have an address, that kind of thing.

MR. SHOLES. What type of funding do you get from the State and the Federal Government?

MR. BEADREAU. Our total budget is about a million dollars. We get routinely about $37,000 from the State and no Federal money. Last year we got an extra $250,000 towards purchasing this food.

MR. KLAMKIN. Has anybody from the Federal Government asked you to keep track of the immigrant population that you service?

MR. BEADREAU. Yes. We worked it out with the food stamp program and the Department of Human Services to try to keep track of that. I do have statistics back in the office where each of our pantries have estimated the number of people that are legal immigrants, and I didn't compile that for today.

When I compiled that in early November, it was about 1,200 people, 1,200 households from the beginning of September for 2 months, September and October. And I know that the numbers have increased since then.

MR. SHOLES. What recommendation would you make to change one thing in this program, I mean, in these new acts that would make life better for the population that you serve? What would you do?

MR. BEADREAU. I would refund and put the money back in for the food stamp program and make no distinction between legal immigrants and citizens. I would put a package together that would put a lot of money into job retraining and education so that it's not welfare to work, but it's welfare to training to work.

MS. ZIMMERING. Thank you. I think we'll take a lunch break now, but I would like to tell you that later this afternoon we expect representatives from both State and Federal offices here.

Afternoon Session

MR. LEE. I'd like to welcome you all back to the afternoon session of the Rhode Island Committee to the U.S. Commission on Civil Rights concentration on the impact of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on legal immigrants in Rhode Island.

This morning we heard from a panel of service providers and immigrant rights advocates and community organizations, and this afternoon we'll be hearing statements from Federal and State agency representatives. In this coming panel and in our final panel will be statements from the Rhode Island congressional delegation. I would like to turn the panel over to Mr. Hilton, who is the moderator.

MR. HILTON. Thank you, Mr. Chairman. The first speaker is Susan Sweet. And is Dr. Simon here? And Barbara Raynor?

Panel 2: State and Federal Agencies

Susan Sweet, Rhode Island Department of Human Services

MS. SWEET. I'd like to begin by really setting forth the kinds of programs in Rhode Island and federally that have modified the original Personal Responsibility Act which I often refer to as welfare reform—because as we heard this morning there are some people that would question whether in fact that that was truly welfare reform. First of all, the State had options that it had to select, first of all, whether or not they would have legal immigrants eligible for medical assistance and temporary assistance to needy families. Also, Rhode Island had special conditions in that we already had a State welfare law called the Family Independence Act. Rhode Island opted to take both of those options to cover legal and qualified immigrants for both medical assistance and for cash assistance to needy families.

The second thing that this State opted to do is to authorize and fund a food stamp program that was State funded, that is, you'd qualify for the same number or same amount of food benefits. The process and eligibility would be exactly the same, but if you were no longer eligible because of the passage of the law, you would then be eligible for the State food stamp program.

The third thing was cash assistance for elderly disabled persons who at that point would be taken off SSI. The State passed an authorization with funding for anyone who is elderly or disabled and who would be taken off of SSI. The standard would be $200 a month for anyone living in the community and $40 a month for someone who was institutionalized.

It turned out, because of Federal legislation that passed, the Balanced Budget Act in 1997, that, in fact, those funds were not needed. What happened was the Federal Government had chosen to opt to retain pay for those people who were in the country and receiving SSI, so we haven't yet come to the point where the State money had to be used; however, I should point out that there's a gap in the safety net, if you

will, in that those people who were not receiving assistance still were not eligible. And so that's a gap in the services currently.

Also, the State passed a bill that medical assistance, regardless of not being able to participate in the Federal funding, would be eligible if the person were in the country before August 22, 1996, and in the State before July 1, 1997. Also, noncitizens' children would be covered under RIte Start, which provides comprehensive medical service for children and for pregnant women. Prenatal, delivery, and postpartum services would also be covered for any lawfully admitted resident.

We also funded a citizenship initiative, which funded 13 community agencies for citizenship classes which included ESL. And what happens, we hope, is to standardize and bring the level of citizenship classes up to a standard across the State, so that even when moving from one State to another they would be able to continue to receive citizenship services at the same quality. In addition, Bernie Beadreau had pointed out that they did provide $250,000 to the food bank for particular assistance, in addition to their outpatient services to the legal immigrant, which was less problematic after the passage of the State-funded food stamp program.

The legislature had passed the program in July, and the State-funded food stamp program was up and running in September, and really we stopped cutting people off food stamps and just kept them on as citizens in the State food stamp program, so it was less traumatic and less difficult for people.

All that being said, however, I do want to point out that certainly the passage of the program, even ameliorated by the Federal actions taken since then, which in a sense modified or appealed some of that, and very positive actions taken by the State still do not abrogate the fact that certainly there are numbers of immigrants who have been hurt and certainly that has created a different way of looking at citizens versus those legal immigrants who are not citizens, and that continues to remain to be a problem. So with that I would be happy to take any questions or to address some of my colleagues.

MR. HILTON. What is one of the singlemost problems you feel you have with the act and what would you suggest as a way to remedy it?

MS. SWEET. It's going to be very hard for me to give you a single answer. Let me say that there remains outstanding a number of issues. One is that of low-income older people over 65 who are immigrants and not qualified under the very specific rules of the act. There is no provision as of now to have those people on some sort of assistance for the aged. There is some provision for the disabled, but I am particularly concerned about the aged.

Also, there appears to be some attempt by the President's budget to address that, but at this point covering not only disabled but aged immigrants that are legal, the same as we are doing for citizens, I think would be a major remedy that needs to be done.

The 5-year ban is also so complete in terms of not having people be eligible for benefits for 5 years regardless of their change in circumstance and I think needs to be modified to include circumstances. And then certainly the food stamp program, which on the Federal level I think needs to be changed so that once again legal, permanent residents and citizens have the protection and the same respect under the laws. Those, I think, are the most problematic things right now.

MR. SHOLES. I'd like to ask you a few questions relating to the number of people in these population groups. You indicated that one of the problems is the low-income immigrant group that turned 65 that won't be entitled to financial assistance from the government. Could you put a handle on that number?

MS. SWEET. I would be very happy to put a handle on that number, and this is a number that's going to grow yearly. We were fortunate in that the Federal Government had grandfathered to those persons who had been receiving benefits as of August 22, 1996. But what's going to happen is there is going to be a small number in Rhode Island, perhaps 500 or 600 a year. That number is going to grow as more people become 65, are low income, and can't receive social security.

At this point there is another small number, perhaps 3 percent of the current immigrants who are 65 and over who will no longer be eligible after September 30, 1998, unless Congress changes that. So in terms of numbers, I would say it's probably less than 1,000 this year, but it will continue to grow.

MR. SHOLES. These people are barred from collecting social security, supplemental social security, I think, under the act even though they've been paying taxes. They are also barred from collecting social security benefits.

MS. SWEET. Most of these people would be eligible if they have a sufficient work history to collect social security benefits but not SSI.

MR. SHOLES. I just want clarification. So under the act this really doesn't affect their social security benefits?

MS. SWEET. No, it doesn't.

MR. SHOLES. Then you indicated that you want to change the 5-year ban. If Congress doesn't change the 5-year ban and eliminate it, what do you think would be the minimum number of years you put on that so this would eliminate this?

MS. SWEET. Rather than putting a different number on it I would rather allow for circumstances under which the 5-year ban would not apply so there could be some flexibility. I think it's not realistic to say that in all cases it's 5 years or 3 years or 2 years. You could have a situation where a person could lose their job, be burned out of their home, or through no fault of their own have a terrible illness, and I think there needs to be provisions for the human condition in any time period.

MR. KLAMKIN. Ms. Sweet, what becomes of people who are turning 65 and are no longer eligible for benefits?

MS. SWEET. What happens to people who turn 65 or are disabled, are low income, and would have therefore qualified for SSI? I don't think we know. It's very much like what happens to all of the people who left the welfare roll. Some of them have been able to achieve a certain level of economic independence and have jobs, but that certainly doesn't account for all of the changes in the numbers.

Many people live with families, who have to take the additional burden of supporting them without any help whatsoever. Some of those people had been in the country, had worked, perhaps are ill and fulfill the level of disability required by SSI.

I mean, we can always point to the fact that the community has absorbed them in some way. We all also know a lot of older people actually left this country and went back to their countries of origin even though in many cases they have no families left there to go back to.

MR. KLAMKIN. Are you prohibited from offering any services to these people?

MS. SWEET. No, there are certain services that are available to folks regardless of their immigrant status. Some of those are provided by food banks, by nonprofit agencies that provide services and perhaps goods and assistance, health centers.

The Department of Elderly Affairs has, for example, jobs for people over 55 and helps them get subsidized employment. They have Rhode Island Family Assistance to the Elderly Program, which is open to everybody regardless of immigrant status or citizenship status. That pays 60 percent of the cost of the number of prescription drugs used to treat chronic illnesses. The senior centers and meal sites are open to everyone regardless of immigrant status or citizenship status. And there are a number of programs that are not limited to citizens.

The problem is no cash assistance in the form of either SSI, and then medical assistance is limited, especially for people who have recently come to this country and don't fit either the child or the pregnant woman profile.

MR. LEE. Am I correct in thinking that in an earlier period whether or not you were eligible for SSI you could get general public assistance?

MS. SWEET. There was a program many years ago called Aid to the Aged, Blind, and Disabled. That program was essentially phased out when SSI came in. When SSI came in, it took over all of those people who were either aged, blind, or disabled, totally State funded, and really the SSI program is a combination of State and Federal funds.

So what happened was the Aged, Blind, and Disabled Program of Rhode Island went away. In the meantime, general public assistance, as we used to know it, which would help anyone who was low income and in need of that help, has been whittled down to a very temporary assistance under very rigid circumstances, so you really have no program to take up that slack.

The closest thing was the legislation that passed last year that would have kicked the people off SSI, but again I should point out that those people who were not currently receiving SSI but become aged in that they reached their

65th birthday at this point have no recourse for any type of cash assistance.

MS. ZIMMERING. Everyone here this morning has mentioned the elderly and the weaknesses in those provisions. I haven't heard anyone mention children. Are the children being pretty well taken care of at this point?

MS. SWEET. Well, the children are right now because of the mixture of State and Federal changes and help. They are in a better position. I'm not saying that it's perfect. First of all, let me address the issue of documented persons. We never really talked about that very much.

Undocumented persons are not eligible for much. They never really were. Basically, they are eligible for emergency services, emergency medical services, really. The children in this State, because of RIte Care and RIte Start—for legal immigrants—are covered, as well as pregnant women are covered. We made that specific choice to go further than the current State law and the Federal law allows. So, except for these cases, very new immigrants and undocumented immigrants, it's not as pressing a problem at is this point.

MR. KLAMKIN. You were here earlier so you heard some of the issues that came up such as tracking people who are denied or told informally they should not perhaps even bother to apply. I mean, is that realistic to start to track that or more closely monitor that?

MS. SWEET. I think it's realistic to track the numbers of anyone who makes an application and how many are approved or denied.

MR. KLAMKIN. Do you have any figures along those lines that you could provide the Committee?

MS. SWEET. I don't at this time, but we could get those. This, again, which I think has been mentioned, there may be people who choose not to go because they might go in and the worker might say, "Don't even bother applying. You are not eligible."

That may or may not be correct, and even if it is correct, it prevents us from tracking how many people applied and were not eligible. So you have this vast number out there that either didn't apply or came and made inquiries but didn't make out paperwork.

MR. KLAMKIN. What about translation services? Has that been a problem?

MS. SWEET. It's always a problem, but it's less of a problem than it used to be a number of years ago. The department does have a number of people in the field and translators who speak Spanish, Southeast Asian languages, a number of other languages. You are also going to get people that might walk in and have a language that they do not have on board a translator to translate. But we also have access to other agencies that will translate. It's not perfect but better than it used to be.

MR. HILTON. Are there any other questions? Dr. Simon.

Peter Simon, Rhode Island Department of Health

DR. SIMON. Good afternoon. My name is Dr. Peter Simon, and I am an assistant medical director for the Division of Family Health of the Rhode Island Department of Health. Our function is really to develop assessment information and health policy and assure that the systems are in place that provide access to both preventative, curative, as well as rehabilitation services for the community.

In some ways we have resources that hopefully supplement the community based on the organization's ability to deliver these services and fill the gaps created by these overlapping and rapidly changing entitlements, Federal as well as State. Many of our programs do not require legal status to be documented for participation, for instance, the immunization program that we run.

They all pretty much ignore the infant or the family's legal status to participate in these programs. They are transparent if they are an immigrant with the health care industry. Most of what the department is here to do is to provide a surveillance system, the ability to diagnose at the community level when there are systems problems, and to answer the question of what the implications are going to be when reducing access to financial assistance through medical assistance, Federal finance, medicaid, title 19, or the Federal welfare program.

We see most of the impact falling upon families with young children. Questions about the impacts on child health and family health probably are of a concern for the Department of Health. One of the immediate effects that we are going to feel: too many children who become eligible for some of our entitlement programs like

WIC or early intervention programs are going to be requiring more and more State-funded components of their care plans since their entitlements to Federal subsidies are lost through the legislation.

And in the case of early intervention, which deals with infants and toddlers authorized under our Federal special education law, IDEA [Individuals with Disabilities Education Act], we will probably see an increasing number of services having to be financed by your State appropriations without the ability to leverage medicaid Federal participation or receive medicaid financing through eligibility through SSI, so that with the programs that we have we will probably see impacts on the children who are served by entitlement programs.

As I said before, the programs that served all kids in Rhode Island regardless of income, regardless of immigrant status, we probably will not see much of an impact because, again, those activities are essentially covered by State appropriations, State and Federal appropriations, without the requirement for determination of legal status.

We are concerned that if this issue of eligibility and access to services gets any more confusing, then the communities that are most recently arrived in Rhode Island are going to be confused and frustrated because of the difficulties in finding out accurate information. But I think the comments about training of our eligibility staff as well as an outreach effort that is culturally competent is probably going to be the most important approach that Rhode Island, both in our agency as well as all human services, is going to have as a challenge because people are easily confused.

Many surveillance systems that we have indicate that we have harder and harder times facing families in communities like Central Falls, Pawtucket, Providence, Woonsocket, where we know resettlement from outside of Rhode Island is most concentrated. We know we're having more and more difficulty engaging families with infants and young children in our programs. Although we haven't completed it, we have just begun an assessment in Woonsocket for us to understand where these gaps, myths, and misinformation are coming from. But we are seeing an increasing resistance to participate in some of the public health programs for women and families. Many people have speculated that it's become very confusing and families are not just sure what will happen if they participate. And again I'd be glad to answer any questions.

MR. SERPA. We heard this morning about legislation in which immigrants or their family members are asked to pay back health care costs before they enter or reenter the country. Is that under your agency or department?

MS. SWEET. DHS would be the one contacted. In fact, that did happen a few times. What happens is generally the person seeking to reenter the country or enter the country who has a family member already here has applied to sponsor them. The person seeking to bring someone in has used DHS benefits and is questioned about that, generally at the embassy, before a visa can be issued for that person to reenter or for that person to come in.

We have been contacted a number of times by the person themselves, not the staff member of the embassy, not anyone from Immigration, but by the person who was the recipient to say, "I have to pay this back or I can't get a visa." Three times we did make available the amount of money that that person had used in benefits. We don't ask for the money back. This is so they can get a visa for themselves or their family member.

However, this problem has come up around the country, and evidently in some States, their department of human services are stationing people even at borders to get that funding. They are still issuing guidelines on it and we are in the process of returning these funds to, I think, three cases. But I wanted to emphasize the size of the problem is not with any agency in the State. The problem is that this person is told they must repay benefits in order to become eligible. And it doesn't happen every day, but it is happening from time to time.

MR. KLAMKIN. Is there any sense of why, or is there some inconsistency in the law?

MS. SWEET. Overall, I think since the passage of the new immigration laws and the emphasis on people's immigrant status and public benefits, I think that there is more of a jealous feeling of safeguarding public benefits on the part of some people that are issuing visas. I'm not sure it's across the board.

MS. TANCREDI. Well, speaking about the issue of public charges, someone who is not eligible to

come into the country if they would be a public charge, as you know, many people probably live in the United States illegally and when they go back to get their immigrant visa they are questioned about if they had received any benefits.

It is not the State Department or the Immigration Service's responsibility to have someone repay back any money that they have received, but they do have to prove to us that they will not become a public charge. And I know this is an issue that, to be honest with you, I know there's new things on this but I haven't read all of it.

The issue with the Welfare Reform Act and the other immigration law that was passed recently, I should say that we're trying to make sure that people are accountable for what they are going to do when they file the affidavit of support, because there was no way to enforce that this person would actually be responsible for them if they receive some assistance.

Now there is a new form and new law in effect that will make the people who filed the affidavit be responsible. So I think we've seen some overzealous people ask for them, but that's not within our jurisdiction, really, to make them pay back any kind of benefits they might have received.

MR. KLAMKIN. Just so I understand. You said that the State has reimbursed people who made those payments?

MS. SWEET. We're in the process of doing that with those three cases. In fact, in one case they reimbursed the State and then, when they got back to the country, they put a stop order on that payment, so actually there was no transaction.

In the other two cases, we are in the process of paying those people back in accordance with the new finance agency. New guidelines are coming out. They are just beginning to address this problem. And we are in the middle of it, and now we're trying to respond to whatever is considered appropriate.

MS. NOGUERA. You said that it's harder to engage families, particularly in the communities you mentioned, Central Falls, Pawtucket, and Providence, with infants and small children. In hearing about the public charge statements that Ms. Sweet and Ms. Tancredi had made, one, could it be that the possibility exists that they heard about this and they don't want to participate in any governmental programs, and two, these lack of engagements of families are some of the problems because of that?

DR. SIMON. I'm concerned that this disengagement or reluctance to participate in our programs may lead the community to evolve into various outbreaks of disease. And bacteria and viruses don't discriminate against people with legal status. They are equal opportunity agents. These are the ultimate concerns of the health agencies that we are supposed to be here protecting and promoting health in the community. And we see a threat, a potential threat, if we don't continue to maintain high levels of participation in some of those communitywide programs to prevent or detect early diseases that have public health significance.

MR. HILTON. Any other questions? Thank you, doctor.

June Tancredi, Immigration and Naturalization Service

MS. TANCREDI. As an immigration service, the agency that is responsible for the naturalization of its citizens, we have been greatly affected by the Welfare Reform Act. The numbers of people who are applying for naturalization have increased dramatically in recent years.

Just a few statistics here. In fiscal year '95, 3,428 people applied for citizenship in Rhode Island. The Providence INS office is within the jurisdiction of the State of Rhode Island. In fiscal year '96, we received 3,239, and in fiscal year '97, we received 5,832. In these same years we've been able to swear in as citizens 1,535 in '95, in '96 it was 2,862, and in '97 it was 3,163.

Currently, the processing time to become a U.S. citizen is about 10 to 12 months. There are many reasons for this extended period that it takes to become a citizen. One is because there are more people applying, and the other is that the Immigration Service in recent years instituted new quality procedures in our naturalization processing, which does lengthen the time.

It's put in place to preserve the integrity and to make sure that people who are becoming citizens are entitled to become citizens. Normally, applications for naturalization are processed pretty much from the day they are received at the INS office. We do entertain requests by people who are affected by some compelling reason to expedite applications. If someone wishes to be given expedited processing of the citizenship ap-

plication, they would have to make a written request to the officer in charge and explain the reasons needed for consideration. And we will consider these on a case-by-case basis, taking into account our workload and resources available.

Obviously, if people wanted to continue their benefits they could become U.S. citizens. Before coming through naturalization, there are certain provisions that have to be passed in order for them to become a citizen, and many people find it difficult to qualify. I could go over the whole procedure for you, but the basic thing is that the person who wants to become a U.S. citizen has to be a permanent resident for 5 years, they have to be 18 years of age or older, they have to reside, before filing the application, in the United States for 5 years and during that period have to have been present in the U.S.

You couldn't leave. You have to show documentation that you've been at least here half the time (2½ years). During that same 5-year period, you have to show that you are a person of moral character and that you adhered to the principles of the Constitution. Also, the requirements under the act require that you be able to read, write, speak, and understand English and that you have a fundamental knowledge of U.S. history and government.

The law does allow certain exceptions for certain groups. If you are 50 years of age or 20 years of residence or 55 years of age and 15 years of residence, you are eligible to take the test for citizenship, but you will be tested in your native language. You don't have to qualify under the English but still have to show that you have an understanding of U.S. history and government. If you're 65 years of age and 20 years of residence, your test given on history and government is limited to 25 questions that could be asked. Usually, it's just a few questions.

Also, recently there was passed a disability exception which really has nothing to do with the Welfare Reform Act. This law was passed in 1984. The regulations came out just about the time that this act was passed. So I think people interpret that this was put into play so that people would be able to apply for citizenship who wouldn't be eligible previously. And the disability exception applies to people who have a medically determined mental or physical impairment which has lasted for more than a year or will last for a year.

If you can prove that, you would be exempt from the English and history requirement. To apply for that benefit, you have to have a form issued by the Service, completed by a medical doctor or a clinical psychologist, and you submit that with your application, and we in turn make a decision whether you qualify for a disability exception.

It's important also to stress that, even if you qualify for the disability exception, all people that apply for naturalization are required to take an oath of allegiance to the United States. And they must understand the meaning of that oath. So, even if you might qualify for disability, if you do not understand the meaning of the oath, you would not be eligible for naturalization. That's about it. If you have any questions, I'll be glad to answer them.

MR. HILTON. Does anyone have a question for Ms. Tancredi?

MR. SHOLES. Under the act, what additional requirements are there for a person to become an American citizen?

MS. TANCREDI. There have been no changes. As I said, there's been a few exceptions about the English requirement. The most recent change was the 65 years of age and then 20 and this disability exception that's been in effect about a year now.

MS. ZIMMERING. I have a very brief question. In the disability exception, is there a residency requirement?

MS. TANCREDI. The disability exception would be the same for anybody that qualifies. You'd still have to qualify and have 5 years' residency.

MR. KLAMKIN. You talked about the increase in applications and so forth; have you been able to accommodate that?

MS. TANCREDI. It's been difficult in my office. As I said, the Welfare Reform Act has been one of the reasons there has been an increase in citizenship applications. Also, right around this time, there was a legalization provision which gave amnesty to groups of people back in the beginning of the '90s. They are also all becoming eligible for citizenship at this time. We've seen quite a dramatic increase.

And, as I said, also, recently they put in place new quality procedures that are very lengthy in securing security checks to make sure that no

one who has a criminal record that is filing to become a citizen will become one. So this has been quite a task to try to handle the new procedures to use and then to handle the many more applications we've been getting. We're in the process of trying to get more help right now for officers to do the interviewing. The service is going to set up what's called "application service centers" where applicants will go get their fingerprints taken. There are many new regulations and policies being put into play right through Immigration Services. This has an effect on how fast you can process these applications.

MR. KLAMKIN. How big of an operation do you have?

MS. TANCREDI. The INS is a full benefit service office. There are about 35 employees at this point for examination staff, which is the staff that would handle the people applying for citizenship. We currently have two full-time and one part-time persons. I have another person that's been out on extended leave, so we've had to fill in and it's been a difficult time.

MR. KLAMKIN. I don't know if you were here this morning, but we heard a number of people from various community agencies talk about how the immigrants view coming to INS or coming to DHS as a somewhat daunting experience. Is that a fair characterization, do you think?

MS. TANCREDI. Well, I think if people are not aware of what goes on at the Immigration Service, they might be intimidated, but anybody can come into the information room and request information. This is an agency. We have officers. If you want to inquire about what benefits you seek, you have to visit the office or call us. We try to be as accommodating and professional when dealing with people as possible.

DR. SIMON. My experience is it's not so much the destination that's the problem; it's the whole path and process and difficulty negotiating for transportation, child care, release time from work. To get into a welfare office or any Federal agency, you have to go during work hours. Financial, shelter, food, and security being the primary concern for the people, they can't leave work and miss that much time. They will lose their jobs.

In the 6 years that I worked with a lot of Asian families trying to get good maternal child health services for about 1,600 families in Providence, it wasn't so much the big buildings or the uncertain eligibility questions—all this stuff that we would take for granted—it was they don't want to risk losing what they already have.

MR. KLAMKIN. As far as translation services, is that a problem to provide?

MS. TANCREDI. If somebody's going to come in for an interview for benefits we should provide an interpreter. If somebody comes just for information, we'll try to accommodate them. Usually they bring someone with them or we have people in the office that we could help with translation of a few languages.

MS. NOGUERA. You mentioned that you have expedited services for someone to become a citizen right away. How many persons have used that? And also the second question that I have is that you take the persons who are 50 years old and here 20 years or 55 years old and here 15, they can take the examination in their own language. Is there any part of the examination done in English even though the questions may be asked in Spanish?

MS. TANCREDI. No, if someone qualifies for the exception, which means they would not be tested on the English requirement, they can have an interpreter with them. Part of the examination is to go over the application, and they can have an interpreter with them. We will go over every question, but the interpreter can translate.

MS. NOGUERA. Of the persons who go to you, you say in '95 you took 3,000 applications and swore in 1,100 and in '96, 2,800 and then '97, could you tell us the reason why there are differences in the numbers of persons being sworn in? Are there any particular reasons that come to you?

MS. TANCREDI. Well, as I said, the numbers I gave you for applications are people that applied. It's not people that did not qualify. It also would be that the applications have just not been finalized within the fiscal year that they were actually sworn in as U.S. citizens.

MS. ZIMMERING. I have a logistics question and I'll be very brief. I know that it is much more convenient for someone to work 9 to 5, but are there any provisions for occasionally having evening or Saturday hours for agencies such as yours?

MS. TANCREDI. There is no provision that I know for this office that's going to be staying

open other than regular office hours. There is an information line available by telephone at Immigration that is available, I think, for an extended period of time.

MS. ZIMMERING. Has that ever been taken under consideration?

MS. TANCREDI. As I brought up, we have these application service centers which are really going to take fingerprints and such. These are going to be operating on extended hours.

MR. KLAMKIN. I wonder if people have claimed disability exception and tried to use that as an excuse to stay, or has there otherwise been in an increase in the anxiety level?

MS. TANCREDI. I think we're seeing people that are applying for citizenship that normally would not have applied for U.S. citizenship.

MS. NOGUERA. What do you mean by that? Can you explain?

MS. TANCREDI. I think they find it very difficult to meet the requirements for citizenship and normally they probably would not have applied.

MR. LEE. If you had one thing to change, what would that be to make your life easier?

MS. TANCREDI. Well, it would make my life easier if I had sufficient staff to accommodate all these people that are requesting citizenship. That's my goal, to shorten this lengthy time that they have to wait. There are things that are in process right now, but unfortunately this seems like a very long time to me. We do have quite a large population of noncitizens, but in comparison to other States in this country we're not that bad. I know in other States the time lapses are like 2 years, but I'm trying bring it down to a reasonable time period.

Panel 3: Rhode Island Congressional Delegation

MR. LEE. Last, but not least, we have with us today statements from the Rhode Island State and congressional delegations. David Sholes will moderate this panel.

MR. SHOLES. Thank you very much, Mr. Chairman. There are a number of people who have been contacted and I'd like to call upon the representatives or aides from the following members of the congressional delegation: John Chafee's office, Jack Reed's office, and Bob Weygand's office. There's a table right up here.

Just feel free to come on up. If there are any representatives from the State senate or the State house of representatives? Is there anyone from the house? Thank you for coming. Perhaps you could just identify yourself and proceed?

Marlene Harrington, Office of Senator John Chafee

MS. HARRINGTON. My name is Marlene Harrington. I'm from Senator John Chafee's office. Basically, we were asked here today to discuss what efforts we've made in the past year and a half to eliminate some adverse effects of the '96 legislation, in addition to what effort we plan on making for the coming year.

Senator Chafee, although supportive of the overall welfare format, stated when it came out that he was very much against some of the impacts this legislation would have. He stated he would work for the next term to eliminate some of the adverse effects. I think in the past year he has done just that. In April he formed State Bipartisan Coalition Centers to introduce various immigrant acts on legislation to restore efforts to provide these benefits, such as SSI, for local immigrants. Throughout the summer and into the early fall, he worked to make sure the budget did include these provisions.

Unfortunately, food stamps was eliminated from the final budget, but SSI was restored to immigrants receiving SSI at the time and future immigrants who became disabled in the future after August '96. And with regard to food stamps, although the Senator did try through this legislation to get the food stamp program reenacted, he was unsuccessful.

But he has, in working with the Administration, introduced a bill to bring food stamps back to the legal immigrant. He looks forward to working with the Administration on that. He realizes that when he introduced it, along with the other Senators, that it was an uphill fight and that President Clinton will have a battle ahead of him to get food stamps reenacted, as well as the medicaid program also, which the President has also proposed restoring. He's looking forward to working with the Administration to help get legal immigrants the rights they deserve.

I don't really want to speak too much on his behalf. He's not here and I can't really answer anything, but I can answer any questions on what he plans on doing and what he has done.

MR. SHOLES. Does the Committee have any questions?

MS. ZIMMERING. One of the things that we have heard today is that one of the real hardships is to elderly who are now disqualified from receiving assistance. You heard all the testimony. And if you take this back to Senator Chafee and then maybe some accommodations can be included in some of these bills being proposed.

MS. HARRINGTON. I believe that the President's proposal does address the elderly. His recent budget proposal addresses the issues of individuals over the age of 65. Senator Chafee plans on working on that and seeing what work we can do on that. That was just recently thrown on the table last week, I think, and it's still a little early to discuss it.

Obviously, Senator Chafee is very supportive of the elderly in the community. As you know, he is 75 years old right now, and he is definitely supportive of anything that impacts adversely on elderly immigrants due to these adverse effects.

Christopher Labonte, Office of Representative Robert Weygand

MR. LABONTE. My name Christopher Labonte. I work for Congressman Weygand and he couldn't be here today. Congressman Weygand feels very much like Senator Chafee regarding benefits to legal immigrants and also with how the Senator felt about the passage of the Welfare Reform Act. The Congressman stated publicly before that he was already against the act because of some of the harsh provisions.

Unfortunately, he was not in Congress at the time, but now that he's there he's been working hard with the Administration and his congressional colleagues to restore some of the benefits which were lost in the Welfare Reform Act.

Last year he worked with the President and pledged to work on restoring some of the benefits. And in his first year as Congressman he worked on the Budget Committee and supported many efforts of the Budget Committee and throughout the budgetary restoration process to restore some of the benefits, mainly SSI and some medicaid benefits, to immigrants. The Congressman will continue to work with the Administration and a lot of his colleagues on our side and with the Senate to restore those benefits.

This year there's so many other benefits that need to be restored; namely, food stamp benefits for legal immigrants. The President's budget submitted proposes to restore food stamps for immigrant families with children, which is a very crucial benefit that we'd be restoring, and the Congressman was pleased to see that.

For the elderly and disabled, benefits would be restored to qualified aliens who were here prior to the enactment of the Welfare Reform Act. And any child who comes into the country following the enactment wouldn't be barred for 5 years from any Federal health benefits as if they were here prior to the enactment. States do have the option to provide benefits, so that is very important.

Also, a piece in the budget which is presumptive medicaid benefits for women and children, the Congressman will be looking at that very closely as the budget process continues. Like I said, the Congressman looks forward to working with the Administration and his colleagues in the both the House and the Senate in restoring the food stamp benefits that are especially important to those families with children.

MR. KLAMKIN. We heard earlier about the restoration of food stamp benefits here on the State level. Were there none of the kind of qualifications that you just enumerated for food stamp benefits?

MR. LABONTE. I believe States can use either title 10 or 20 money to provide food stamps for legal immigrants. I'm not entirely sure, but I think the State did have the option in Rhode Island, but that's just an option the States have, but are by no means required to do that.

MS. NOGUERA. I have a concern and my concern is that, and you can take this back to your Congressmen and Senators, the law is somehow misleading because, even though a person will not be eligible—legal immigrants, persons who come here after August 22, 1996—for 5 years and after a year the affidavit of support kicks in, and people are very confused because if you read the guidelines for persons who qualify for assistance in the fourth quarter, you have to have worked at least 10 years, and then there are all the layers of accessibility for some services. What are the Congressmen and Senators in the State of Rhode Island doing as it relates to the affidavit of support because immigrant families make very little money and to put a burden upon

them to support another family who entered in the United States would be very tough—what are the Congressmen and Senators doing with this?

MR. LABONTE. I will certainly present the Congressman with that issue. I will definitely get that answer to you regarding that particular issue.

MS. HERRINGTON. The way that the affidavit of support came about was what we had assumed was that the joint affidavit was going to be filed and that that would make up for the fact that that would be filed for other individuals. I think they weren't, again sort of speaking on my own behalf, I think that maybe they weren't thinking that the joint affidavit would be a family.

Like now, you said, many families together, combined, won't make enough money for the affidavit to be valid, but I think that's something that will be looked at this year. At least, I will mention it to the Senator.

MR. SHOLES. It's been brought to my attention that a representative from Senator Jack Reed's office is here. Please step forward. You can take the third chair.

Norelys Consuegra, Office of Senator Jack Reed

MS. CONSUEGRA. Good afternoon. My name is Norelys Consuegra, and I deal with people who have immigration issues for the Senator. The Senator could not be with us today, but he has sent me to represent him and he has submitted a statement.

As you know, Senator Reed did some work regarding the Personal Responsibility and Work Opportunity Act because he believes that an important first step towards reform is to help these people move from dependency to work. Even though this legislation was not perfect, the Senator believed that the passage of this law was an extremely difficult process for Members of Congress and the President.

It called for sweeping changes that affected the lives of many. He expressed concerns about the Federal components of the law which denied legal immigrants access to SSI, food stamps, and other services. He believes we should work to reform our nation's welfare system without targeting one specific group, which is women and children and legal immigrants.

In 1996 the Senator stated that he would work on this issue, and the promise has been kept. Last year, the Senator worked on legislation to help restore SSI and medicaid benefits for legal immigrants. He has supported amendments offered by Senator Durbin to help restore food stamps to legal immigrants under the age of 18. While this amendment failed, the Senator continued to support efforts by joining with several of his colleagues to endorse the restoration of food stamp benefits to foreign-born legal immigrants.

He also worked to find funding for several other vital nutrition programs this year. In response, he has proposed that the budget call for the restoration of food stamp eligibility for certain legal immigrants which will restore the benefits. This issue will be brought up in the next session in December. This budget roughly will restore the benefits of approximately 73,000 immigrants in the year 1999.

Senator Reed does not believe that in future these immigrants who pay taxes should be prohibited from receiving Federal benefits. He looks forward to working with you on these issues, and he appreciates all your efforts on behalf of the legal immigrants in Rhode Island.

MR. KLAMKIN. Are you aware of any information received by the centers or departments, specifically in terms of the civil rights aspects of the law and the way people are being treated when they do make application and come face to face and ask the center for benefits?

MS. CONSUEGRA. I have not been informed where an applicant was ever denied for a benefit based on the race or nationality or gender of the applicant. Usually the people that come through our office are people seeking information on the laws or any type of courtesy that the Senator can provide. I don't know if we have ever received any information where an applicant was denied based on discrimination.

MS. HERRINGTON. We deal with many of the same issues, and no, I haven't heard of this, as far as immigration issues are concerned. If I did, obviously, that's sort of part of my job to work with the Immigration Service to try to figure out what may have happened, but I haven't heard of anything specific.

MS. ZIMMERING. One of the issues is that sometimes there are not enough people who are fluent in the language of the applicant to inter-

pret so that applicants have a difficult time understanding exactly what they are supposed to do and when they are supposed to do it and how they are supposed to do it. They are not always treated maybe as courteously as they could be under the circumstances or having an interpreter provided for them.

MR. LABONTE. Congressman Weygand feels all applicants should be treated the same no matter what language they speak.

MR. LEE. Two issues kept coming up this morning. Service providers often return to the question of training, ESL programs, and sufficiency of ESL programs to meet the needs in Rhode Island, and training, job training and for it to have realistic expectations in this whole process of going from welfare to work. The time allowed for that, 5 years, really was not realistic for certain immigrants, particularly those for whom language was a real serious obstacle and then the other issue was training, both in getting training programs and ESL programs that are sufficient. Is there discussion that you know of or any legislation pending that might deal with those issues?

MR. LABONTE. Again, the budget was just submitted last week, so obviously we will be looking for funding for those programs. Members of the Budget Committee, I'm sure they did make sure that adequate funds are available for those sort of programs.

MS. HERRINGTON. One of the things, I think, that I definitely did see from this morning's session that I definitely will bring back to the Senator's attention is what Joseph Lee had mentioned about the length of time between being taught English and trained well enough to, one, go out and get a job and, two, get enough money to sponsor a family. That is definitely one of the issues that were discussed pretty thoroughly this morning, and it is something that I will bring back to the Senator's attention.

MS. CONSUEGRA. Unfortunately I wasn't here this morning. I was at a prior engagement, but recently the Senator and I have spoken about ESL programs around the State. I come from an immigrant family. I was born here, but I had to learn English, so I do know how important it is for ESL classes to be efficient for people, especially when you come to a country and you don't know what the laws are and you have to learn not only how to say your name properly, where you live or your phone number, but you also have to learn how to operate a computer, especially for jobs in the State.

The Senator is fully aware of that. I will make sure that I reinforce that issue that was discussed today.

MR. SHOLES. And I think Steve had asked you questions of whether the congressional delegations felt that there were violations from a civil rights point of view with respect to this act. I just want to take it from a different point of view in reference to this act. Has any of the citizens or noncitizens of this State, in asking for services or help from your various offices, ever complained about a perceived violation of the Civil Rights Act, such as discrimination because of racial, ethnic, or national origin?

MS. CONSUEGRA. The only thing that I'm aware of is that many of the people that call our office can't speak English. I don't know who at the INS works at the front desk when you first walk in, but I do know a lot of them have trouble in expressing what concerns that they have or even filling out an application, but that's the only thing that I am aware of that. You don't get what you're looking for because you don't speak English.

MS. HERRINGTON. I think that was also expressed by June from U.S. Immigration when she said the one thing that she would like to see changed would be the amount of caseworkers we have employed who are fluent in other languages. The number of languages out there is immense. In order to take applications from people with all these languages in one organization is difficult for the amount of staff Immigration has right now. It's pretty impossible at this point, and June's wish list for more employees will address that, hopefully.

MR. SHOLES. I want to thank you very much for taking the time to come here today and speaking for the civil rights of legal immigrants.

MR. LEE. Are there any other comments or questions? We can adjourn. Thank you.

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